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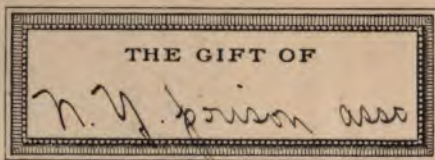
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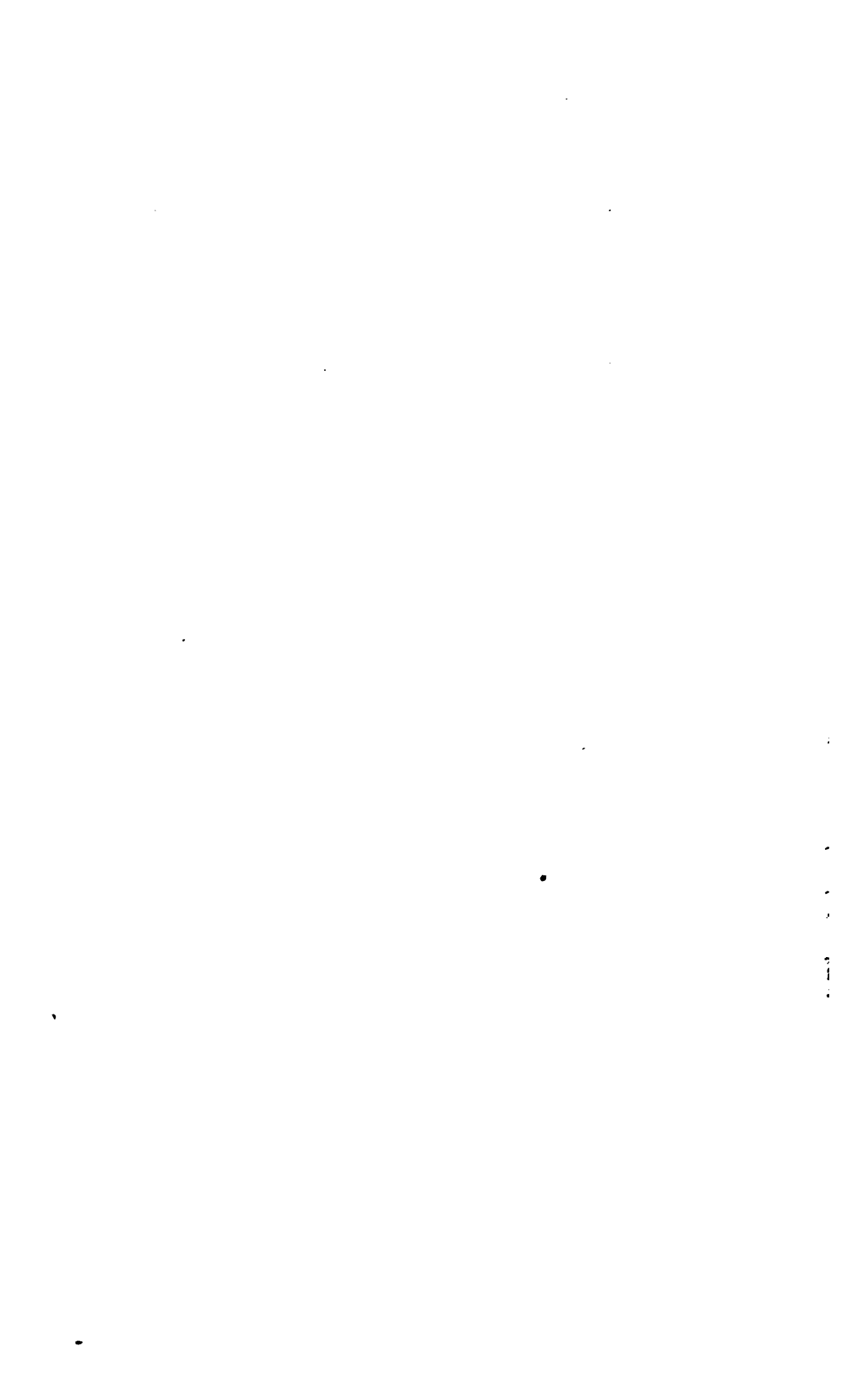
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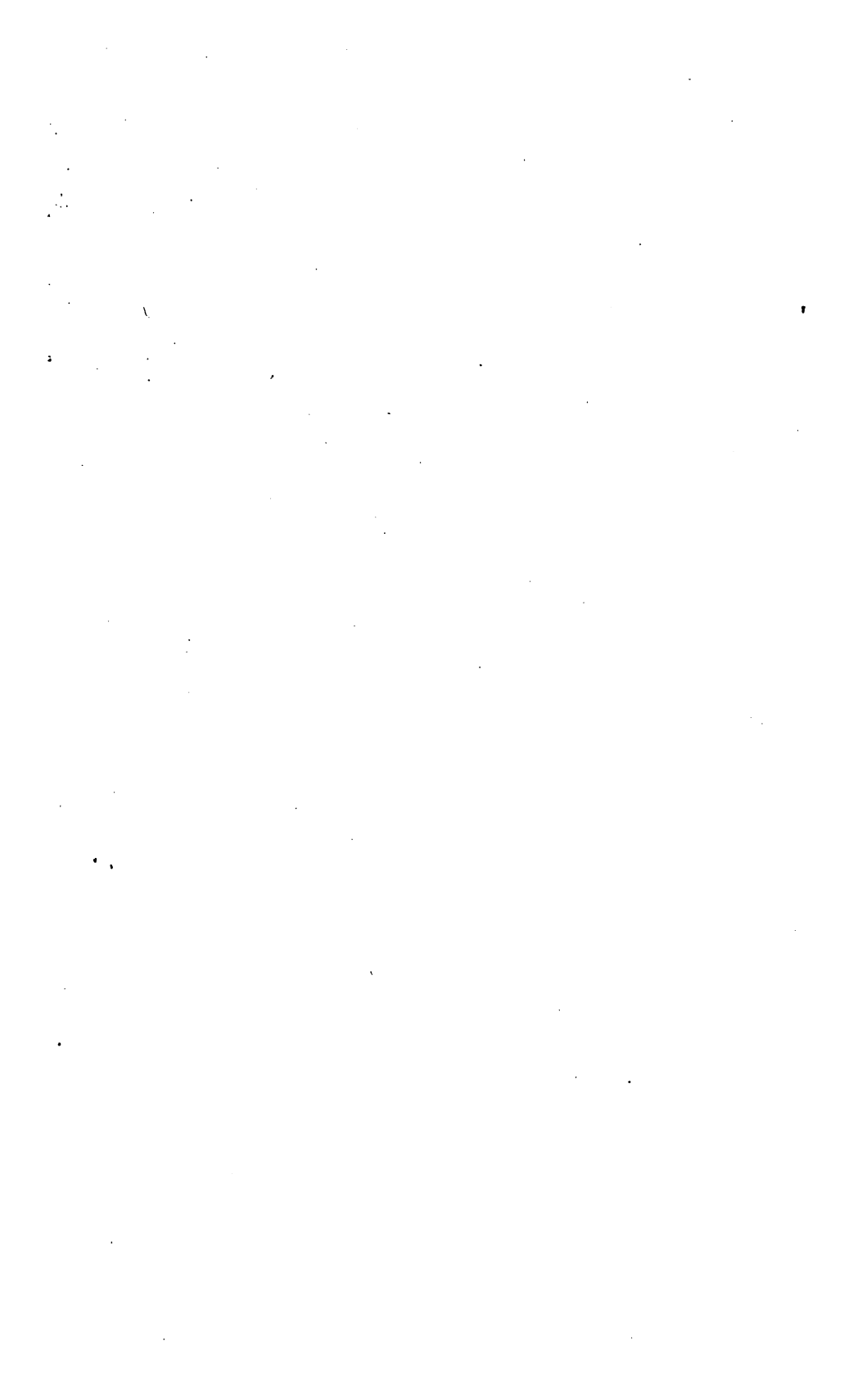


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FIFTIETH ANNUAL REPORT

OF THE

PRISON ASSOCIATION

OF

NEW YORK,

FOR THE YEAR 1894.

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TRANSMITTED TO THE LEGISLATURE MAY 18, 1895.

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ALBANY:

JAMES B. LYON, STATE PRINTER.

1895.



# STATE OF NEW YORK.

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No. 53.

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## IN SENATE,

MAY 18, 1895.

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### FIFTIETH ANNUAL REPORT

OF THE

Prison Association of New York, for Year 1894.

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PRISON ASSOCIATION OF NEW YORK,  
No. 135 EAST FIFTEENTH STREET, NEW YORK CITY. }

HON. CHARLES T. SAXTON, *Lieutenant-Governor* :

Sir.—In accordance with chapter 163 of the Laws of 1846 we have the honor to present herewith the fiftieth annual report of the Prison Association of New York, and to respectfully request that you will lay the same before the Legislature.

Respectfully yours,

CHARLTON T. LEWIS,

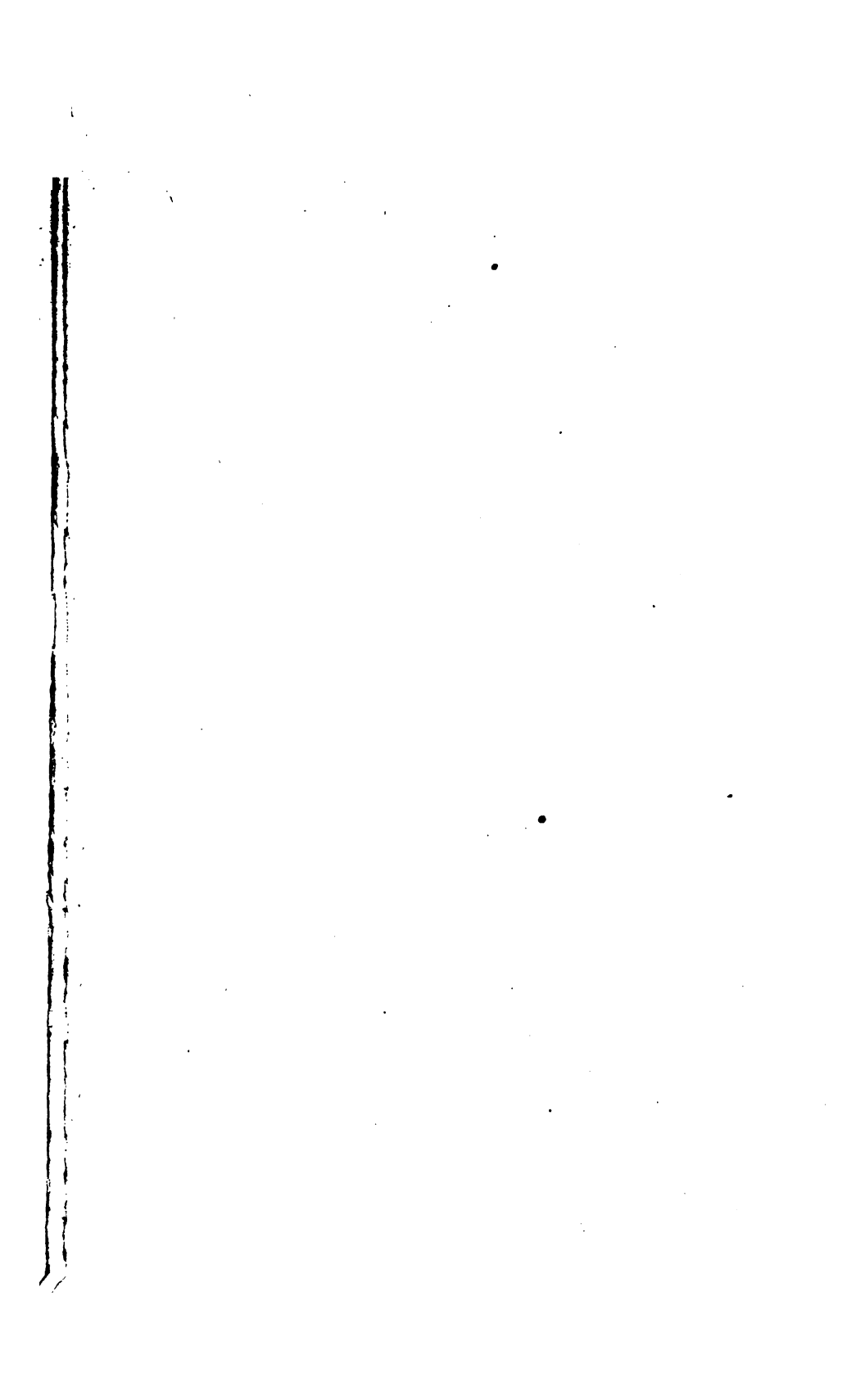
*President.*

W. M. F. ROUND,

*Corresponding Secretary.*

Prison Association of New York 5-19-089.





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\* Deceased.



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\* Deceased.

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---

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E. J. Woolsey.  
Mrs. E. J. Woolsey.  
W. Walker.  
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Committee on penitentiary.—Dean Sage, chairman; James F. Tracey, Dudley Olcott.

Executive committee.—Bishop Doane, Dean Sage, James Fenimore Cooper, Robert C. Pruyn.

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To be appointed under the new rules.

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To be reorganized.

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- Residence, Aurora.—Lansing Zabriskie.
- Residence, Willowbrook.—Mrs. E. T. Throop-Martin.

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- Residence, Fredonia.—M. S. Moore.
- Residence, Westfield.—Alfred Patterson.
- Residence, Jamestown.—Hon. Jerome C. Preston.

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## CHENANGO COUNTY.

- Residence, Norwich.—Daniel M. Homes, Cyrus B. Martin.

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## GREENE COUNTY.

To be appointed.

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To be appointed.

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To be appointed.



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Crosby, Elias S. Harris, Dr. W. R. Adamson.

## WASHINGTON COUNTY.

Residence, Salem.—James Blashford, C. R. Hawley.

## WAYNE COUNTY.

Residence, Lyons.—John L. Cole, Rev. L. H. Sherwood, Rev. R.  
Osgood Morse, Wm. C. Robinson.

Residence, Palmyra.—Isaac C. Bronson, Dr. Samuel Ingraham,  
A. S. Niles, Mrs. Horace Eaton, George G. Jessup.

Residence, Arcadia.—Rev. Park Burgess.

Residence, Walworth.—Hon. Lucien T. Youmans.

## WESTCHESTER COUNTY.

Residence, Yonkers.—Rev. J. M. Bruce, Rev. W. E. Ketchum.

## WYOMING COUNTY.

Residence, Warsaw.—Rev. George D. Miller.

## YATES COUNTY.

Residence, Penn Yan.—Joseph F. Crosby, William F. Van Tux

## Treasurer's Account.

For the Year Ending October 31, 1894.

### *Dr.*

Donations .....	\$4,929 24
New York State Reformatory .....	1,205 00
Rents .....	516 00
Board of estimate and apportionment.....	300 00
Balance in Mechanics' National Bank, Oct. 31, 1893..	156 28
	<hr/> \$7,106 52 <hr/>

### *Cr.*

Expenses of agency in New York city for discharged convicts and persons under arrest.....	\$2,812 62
Expenses of State organization, prison and jail inspection and county work (including \$1,658.33 of arrears of 1893) .....	3,283 52
Interest on \$6,500 mortgage on No. 135 East Fifteenth street .....	325 00
Taxes and water rents on No. 135 East Fifteenth street .....	220 55
House expenses .....	241 83
Balance in Mechanics' National Bank, Oct. 31, 1894..	223 00
	<hr/> \$7,106 52 <hr/>

### Accounts Owing by the Association

For State organization, prison and jail inspection, etc..	\$1,880 40
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**Accounts Due to the Association.**

From Burnham Industrial Farm.....	\$1,440 00
From others for rent.....	200 00
	<hr/>
	<b>\$1,640 00</b>
	<hr/>

We certify that we have examined the accounts and vouchers of Cornelius B. Gold, treasurer, and find them correct.

(Signed.) SAMUEL MACAULEY JACKSON,  
JOHN W. HUTCHINSON,  
*Auditing Committee.*

# DONATIONS.

---

George N. Curtis .....	\$50 00
Edmond Kelly .....	5 00
George E. Sterry .....	10 00
Rev. D. Stuart Dodge .....	10 00
Henry Tuck, M. D. ....	5 00
George Walton Green .....	5 00
Mrs. Sarah E. Lester .....	5 00
James Weir Mason .....	10 00
Charles T. Cook .....	25 00
J. W. Curtis .....	100 00
Mrs. M. L. Ewen .....	50 00
Mrs. Helen L. Deas .....	10 00
Mrs. Henry Dormitzer .....	10 00
Mrs. R. Hoe, Jr. ....	10 00
Henry D. Noyes, M. D. ....	10 00
Church of the Incarnation .....	78 58
Henry Dexter .....	10 00
"J. B. C.," in memoriam .....	10 00
William C. Lobenstine .....	10 00
Henry Keteltas .....	10 00
Alice Keteltas .....	20 00
Mrs. D. B. Van Emburgh .....	10 00
Arnold, Constable & Co. ....	25 00
Lispenard Stewart .....	50 00
Oliver G. Barton .....	5 00
C. H. Coster .....	25 00
James H. Goodwin .....	25 00
Andrew J. Onderdonk .....	2 00
William D. Barbour .....	20 00
C. DuBois .....	25 00
James O. Sheldon .....	10 00

D. H. McAlpin .....	\$25 00
Mrs. A. E. Brice .....	5 00
B. Ogden Chisolm .....	10 00
William Alex. Smith .....	10 00
Mrs. John Wagner .....	5 00
Robert V. McKim .....	10 00
Alfred L. Beebe .....	5 00
Charles W. Ogden .....	10 00
Mrs. W. E. Chisolm .....	10 00
Mrs. M. Fay Peirce .....	2 00
Herman Behr & Co. ....	1 00
Riverside Rest Association .....	100 00
J. C. O'Connor .....	2 00
Miss Julia M. Stimson .....	5 00
Mrs. Elliott F. Shepard .....	25 00
Letitia Hanson .....	10 00
George Blumenthal .....	15 00
J. Greenough .....	10 00
Madeline S. Rogers .....	5 00
Charles H. Raymond .....	25 00
A. P. Avery .....	25 00
John S. Kennedy .....	100 00
M. Bayard Brown .....	250 00
Adrian Iselin .....	100 00
Mrs. W. S. Gurnee .....	25 00
Robert Graham Dun .....	25 00
F. H. Amerman .....	10 00
Mrs. Edwin Parsons .....	5 00
"Cash" .....	25 00
Samuel M. Jackson .....	25 00
Mrs. A. Oppenheimer .....	1 00
George Oppenheimer .....	1 00
Miss Elsie Oppenheimer .....	1 00
Miss Agnes Oppenheimer .....	1 00
Helen Claire .....	25
Hon. Addison Brown .....	10 00
Egerton L. Winthrop .....	10 00

R. H. L. Townsend .....	\$10 00
F. F. Woodward .....	10 00
Mrs. W. H. Osborn .....	10 00
Mrs. Francis Lynde Stetson .....	10 00
Francis G. Landon .....	50 00
John S. McLean .....	10 00
Miss Annie Stone .....	10 00
George G. Williams.....	10 00
"H." .....	10 00
* Mrs. A. E. Breese .....	5 00
Francis T. Garrettson .....	5 00
Mrs. S. R. Leshner .....	10 00
Mrs. Titus B. Meigs .....	10 00
Mrs. M. B. Wheeler .....	5 00
Mrs. F. B. Porter .....	25 00
Mrs. Walter Geer .....	10 00
H. G. Marquand .....	10 00
Mrs. W. Wheeler Smith .....	10 00
Mrs. N. E. Baylies .....	10 00
Wm. Rhinelanders Stewart .....	10 00
Miss Helen C. Brush .....	25 00
Miss Mary H. Brush .....	12 00
Mrs. Andrew Findlay .....	5 00
J. Davenport .....	5 00
Samuel P. Avery .....	10 00
W. E. Montgomery .....	5 00
Anson Phelps Stokes .....	25 00
Samuel P. Avery, Jr.....	10 00
Josephine A. Curtis .....	10 00
H. J. Hayden .....	25 00
James Kyle & Sons .....	5 00
Mrs. Frederick Goodridge .....	10 00
Rev. Wendell Prime, D. D.....	100 00
Gerard Beekman .....	10 00
Mrs. Emily N. Vanderpoel .....	10 00
H. C. Schwab .....	10 00
Mrs. Jonathan Sturges .....	10 00

William Hall's Sons .....	\$10 00
Mrs. C. Cahn .....	5 00
C. H. Dodge .....	25 00
Mrs. Elizabeth Lynes .....	10 00
Mrs. Frederick Billings .....	100 00
Andrew C. Zabriskie .....	25 00
H. W. DeForest .....	50 00
Woodbury G. Langdon .....	25 00
"B" .....	1 00
Miss M. C. Day .....	1 00
Rev. W. R. Huntington, D. D. ....	20 00
Clarence M. Hyde .....	10 00
"E. B. J." .....	5 00
"J. B. M." .....	10 00
Riverside Rest Association .....	50 00
William S. Sloan .....	20 00
J. Henry Purdy .....	20 00
A. H. Smith, M. D. ....	5 00
Mrs. George Forrest Butterworth .....	5 00
Mrs. Anna C. Clinch .....	10 00
Cornelius D. Du Bois .....	10 00
John G. Floyd .....	10 00
E. B. Foote, M. D. ....	5 00
Bradley & Smith .....	10 00
Thomas H. Bauchle .....	10 00
Mrs. William M. Crane .....	10 00
R. M. Olyphant .....	10 00
Mrs. Henry G. De Forest .....	10 00
John R. Ford .....	20 00
E. P. Durton .....	10 00
A. S. Murray, Jr. ....	10 00
Vermilye & Co. ....	10 00
William J. Quinlan Jr. ....	10 00
Mrs. Edward C. Moore .....	5 00
F. R. Lawrence .....	20 00
General John Cochrane .....	5 00
J. C. O'Connor .....	5 00



E. F. Browning .....	\$10 00
Samuel M. Hyde .....	10 00
Women's Missionary Society, Inwood Presbyterian Church .....	10 00
F. P. Bellamy .....	25 00
James Brand .....	10 00
Anonymous .....	2 00
Albert E. Colfax .....	5 00
Ferris J. Meigs .....	5 00
W. H. Beers .....	10 00
Henry Heide .....	5 00
Miss Ellen Collins .....	10 00
F. N. Burdick .....	5 00
Riverside Rest Association .....	10 91
Mrs. Joseph Milbank .....	50 00
Mrs. J. H. Jacquelin .....	10 00
Middleton & Co. ....	10 00
Rev. M. V. Conkling, D. D. ....	5 00
William D. Ellis .....	5 00
John W. Thompson .....	10 00
Kunhardt & Co. ....	10 00
Rev. W. S. Rainsford, D. D. ....	10 00
Mrs. Isidor Wormser .....	10 00
R. Hoe & Co. ....	25 00
Mrs. Scott Foster .....	10 00
Mrs. D. B. Whitlock .....	10 00
G. G. Haven .....	20 00
Henry Holt .....	10 00
"Cash" .....	25 00
Edward S. F. Arnold, M. D. ....	10 00
E. D. Morgan .....	10 00
John Crosby Brown .....	10 00
C. T. Kilborne .....	5 00
George L. Rives .....	10 00
John E. Parsons .....	10 00
Phebe Anna Thorne .....	10 00
Frank Dean .....	10 00



L. C. Warner .....	\$10 00
Riverside Rest Association .....	10 00
William A. Schmittheinner .....	2 00
Dorman B. Eaton .....	10 00
Seth Low .....	10 00
Mrs. John T. Terry .....	10 00
Mrs. J. Blair Scribner ..	15 00
Mrs. Anna C. Alden .....	10 00
Robert S. Holt .....	10 00
William Ives Washburn .....	5 00
James M. Constable .....	10 00
Gillis & Geoghegan .....	10 00
Frederick, Viotor & Achelis .....	10 00
A. G. Mills .....	10 00
Rev. E. A. Hoffman, D. D. ....	10 00
F. G. Sellew .....	10 00
William Bispham .....	10 00
Walter J. McIndoe .....	10 00
Mrs. Thomas Garner .....	10 00
W. F. Chrystie .....	10 00
Mrs. E. H. Van Ingen .....	10 00
"Cash" .....	10 00
T. Gaillard Thomas, M. D. ....	10 00
Henry Burden, 2d. ....	10 00
Charles J. Coulter .....	10 00
John S. Huyler .....	10 00
Rev. Arthur Brooks, D. D. ....	10 00
James McGee .....	10 00
W. H. Schieffelin & Co. ....	10 00
J. Hampden Robb .....	25 00
Henry B. Renwick .....	100 00
Samuel P. Avery .....	25 00
William F. Cochran .....	100 00
Latham G. Reed .....	2 50
William Warner Hoppin .....	10 00
Franklin B. Lord .....	10 00
E. F. Gillilam .....	1 00

J. McE. Wetmore .....	\$10 00
John S. Kennedy .....	50 00
Frederick T. Hill .....	50 00
J. M. Andreini .....	10 00
Francis Lathrop .....	10 00
Charles T. Root .....	10 00
Robbins Little .....	5 00
John T. Willetts .....	10 00
Coffin & Stanton .....	10 00
Michael Brennan .....	10 00
William Openhym & Sons .....	10 00
Mrs. E. V. S. Winthrop .....	50 00
George A. Robbins .....	10 00
Mrs. Hugh O'Neill .....	10 00
The H. B. Claffin Co. ....	10 00
W. T. Alexander, M. D. ....	5 00
Mrs. Nicholas Fish .....	5 00
Mrs. Elizabeth M. Crosby .....	5 00
William H. Taylor .....	10 00
Morris K. Jessup .....	50 00
Fitz Hugh Whitehouse .....	10 00
Peter Doelger .....	10 00
Charlton T. Lewis .....	25 00
Elbridge T. Gerry .....	25 00
The Century Co. ....	10 00
Robert W. DeForest .....	10 00
Mrs. Frederick Billings .....	50 00
Frederick Billings .....	150 00
W. H. Parsons .....	10 00
James H. Hamersley .....	25 00
John B. Whiting .....	10 00
R. G. Dun .....	50 00
Mrs. Henry Talmadge .....	5 00
A. C. Gurnee .....	10 00
Abraham B. Tappen .....	10 00
W. W. Hoppin .....	15 00
Speyer & Co .....	10 00

William Hustace .....	\$10 00
H. M. Humphrey .....	10 00
William F. King .....	10 00
Mrs. H. D. Aldrich .....	10 00
Robert L. Maitland .....	10 00
Frederick G. Swan .....	10 00
E. F. Milliken .....	10 00
Mrs. J. Pierpont Morgan .....	10 00
Pierre J. Smith .....	10 00
William G. Low.....	20 00
Rev. Norman Fox, D. D.....	5 00
Henry W. Sackett .....	10 00
Rev. C. D. W. Bridgman .....	5 00
James Renwick .....	25 00
John Simmons .....	10 00
William P. St. John .....	10 00
Edmund D. Randolph .....	25 00
C. F. Watson .....	10 00
Cook & Bernheimer Co.....	10 00
E. C. Bogert .....	50 00
"J. B. M.".....	10 00
Robert Jaffray .....	10 00
Theodore Dunham, M. D.....	2 00
J. Montgomery Hare .....	5 00
Miss Letitia Hanson .....	10 00
G. A. Sabine, M. D.....	10 00
Mrs. John Wolfe .....	10 00
Pomroy Brothers .....	10 00
St. Ann's Church, Brooklyn, N. Y.....	5 00
Z. R. Brockway .....	10 00
Rev. Allen M. North.....	10 00
L. C. Warner, M. D.....	10 00
Samuel Thorne .....	10 00
William E. Dodge .....	25 00
Samuel D. Babcock .....	10 00
Hugh N. Camp .....	10 00
A. Jacobi, M. D.....	10 00

Albert Tilt .....	\$10 00
J. Stickney .....	10 00
Henry C. Davis .....	10 00
Harold Binney .....	10 00
Rev. O. W. Gauss.....	5 00
W. H. Schieffelin & Co.....	10 00
C. W. McAlpin .....	10 00
William Colgate .....	25 00

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\$4,929 24

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*Other Donations.*

John A. Robb.....	Clothing.
Mrs. E. S. Throop.....	Clothing.
Mrs. H. C. Mullen.....	Reading matter.
Mrs. W. Wilson.....	Reading matter.
Miss M. Morse.....	Reading matter.
J. E. Willeman.....	Reading matter.
Bella C. Frankenthal.....	Reading matter.
S. W. Putnam.....	Clothing.
Mrs. A. S. Heidelberg.....	Reading matter.
Mrs. Emma L. Dominick.....	Clothing.
No. 115 East Seventy-second St.,	Reading matter.
No. 315 West Eighteenth St.,	Reading matter.
Mrs. R. S. Ely.....	Clothing.
A. H. Spencer.....	Clothing.
Anonymous.....	Clothing and reading matter.
Mrs. H. Fernsback.....	Reading matter.
Miss Towle.....	Clothing and reading matter.
Horace Jones.....	Clothing.
No. 2042 Fifth avenue.....	Reading matter.
Miss Carrie Silcock.....	Reading matter.
Anonymous.....	Reading matter.
Miss Slocum.....	Reading matter and furniture.
Mrs. J. H. Lewis.....	Reading matter.
M. W. Prentiss.....	Chandelier, etc.
Mrs. I. Odell.....	Books.
Mrs. M. Nathan.....	Reading matter.

Mrs. J. V. S. Woolley.....	Books.
Henry Lindenmeyr.....	Paper and twine.
H. E. Russel, M. D.....	Clothing.
E. St. John Hays.....	Clothing.
Edmond Kelly .....	Clothing.
Mrs. G. M. Hammond.....	Clothing.
Rev. Geo. S. Payson.....	Clothing and reading matter.
Mrs. Hammond .....	Clothing.
Robert Jaffray, Jr.....	Clothing.
Andrew C. Zabriskie .....	Clothing.
Mrs. H. D. Auchincloss.....	Reading matter.
Mrs. G. Falk .....	Clothing.
B. O. Chisolm .....	Reading matter.
Geo. E. Sterry .....	Clothing.
Hon. Edward Mitchell .....	Reading matter.
Wm. T. Coale .....	Clothing.
H. W. Greene.....	Church directory.
F. H. Gibbens .....	Reading matter.
Alfred D. Clinch .....	Reading matter.
Mrs. Langdon .....	Reading matter.
Thos. B. Briggs .....	Clothing and reading matter.
A Friend .....	Clothing.
Mrs. S. R. Leshner.....	Clothing.
Mrs. O. Uuz .....	Clothing.
Mrs. B. Tatham .....	Reading matter.
Mrs. M. Julien .....	Clothing.
Miss Graydon .....	Reading matter.
A. Lloyd .....	Reading matter.
No. 26 West Forty-eighth St.,	Reading matter.
Mrs. E. G. Jardine.....	Clothing.
Miss Baird .....	Clothing.
H. C. F. Randolph.....	Clothing.
Kathryn Conway .....	Reading matter.
Mrs. J. H. Emerson .....	Clothing.
J. Corbet .....	Clothing.
Mrs. A. Miller .....	Reading matter.
Mrs. E. W. Boyden.....	Reading matter.
H. G. Marquand .....	Clothing.



Dr. T. Halsted Myers.....	Clothing.
S. B. Downs .....	Clothing.
Hospital Book and Newspaper Society .....	Reading matter.
U. S. Berry .....	Clothing.
E. Valentine .....	Clothing.
Mrs. H. D. Anchincloss.....	Reading matter.
J. C. O'Connor .....	Clothing.
Miss Fessenden .....	Clothing.
Mrs. J. Herzog .....	Reading matter.
Geo. B. McClellan .....	Clothing.
S. Carpenter .....	Reading matter.
Miss Wheeler.....	Books.
Mrs. C. L. Tiffany.....	Clothing.
K. A. C.....	Magazines.
Eugene Smith .....	Clothing.
B. N. Loomis .....	Clothing and reading matter.
Mrs. Van Buren .....	Reading matter.
H. G. Hershfield .....	Reading matter.
Mrs. Mullen .....	Reading matter.
J. H. Emerson .....	Clothing and reading matter.
Gen. John Cochrane .....	Clothing.
M. K. Martimer .....	Reading matter.
No. 115 East Seventy-second St.,	Reading matter.
Mrs. Van Amringe .....	Reading matter.
Edward D. Hewitt .....	Clothing.
Anonymous . . . . .	Clothing.
And. C. Zabriskie .....	Clothing.
Mrs. Jas. W. Tappin.....	Reading matter.
Horace Jones .....	Clothing.
F. W. Devoe & Co.....	Paint, oil and brushes.
Mrs. J. H. Zuckerman .....	Reading matter.
Miss E. T. Wall .....	Reading matter.
Mrs. J. H. Zuckerman.....	Reading matter.
Mrs. Nicholas Fish .....	Reading matter.
Dr. Sayre .....	Reading matter.
Mrs. J. H. Jacquelin.....	Clothing.



No. 23 West Eighty-second St..	Clothing.
S. P. Avery .....	Clothing.
Edward Greene .....	Clothing.
J. Corbit .....	Clothing.
Anonymous .....	Clothing.
F. G. Swan .....	Clothing.
Mrs. H. E. Borot.....	Clothing and reading matter.
Miss L. Bibas .....	Reading matter.
Anonymous .....	Reading matter.
Mrs. J. H. Emerson.....	Clothing.
H. S. Griffith .....	Clothing.
Mrs. Beers .....	Clothing and reading matter.
C. B. Gold .....	Clothing.
H. K. Bull .....	Clothing.
James Byrne .....	Clothing.
Allen Tucker .....	Clothing.
Abbott Brown .....	Clothing.
Wm. P. Young & Bros.....	Lumber.
J. Gaunt .....	Clothing.
Jno. M. Bonham .....	Clothing.
Andrew C. Zabriskie .....	Clothing.
Haley Ink Co.....	Inks and mucilage.
W. B. Kunhardt .....	Clothing.

# Charter of the Prison Association of New York.

AN ACT to incorporate the Prison Association of New York.

Passed May 9, 1846, by a two-thirds vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Section 1. All such persons as are now or hereafter shall become members to the said association, pursuant to the constitution thereof, shall and are hereby constituted a body corporate, by the name of "The Prison Association of New York," and by that name have the powers that, by the third title of the eighteenth chapter of the first part of the Revised Statutes, are declared to belong to every corporation; and shall be capable of purchasing, holding and conveying any estate, real or personal, for the use of said corporation; provided that such real estate shall never exceed the yearly value of \$10,000, nor be applied to any other purpose than those for which the corporation is formed.

§ 2. The estate and concerns of said corporation shall be managed and conducted by its executive committee, in conformity to the constitution of the said corporation, and the following articles that now form the constitution of the association shall continue to be the fundamental laws and constitution thereof, subject to alterations in the mode therein prescribed.

## ARTICLE I.

The objects of the association shall be:

1. The amelioration of the condition of prisoners, whether detained for trial, or finally convicted, or as witnesses.
2. The improvement of prison discipline, and the government of prisons, whether for cities, counties or States.
3. The support and encouragement of reformed convicts after their discharge, by affording them the means of obtaining an honest livelihood, and sustaining them in their efforts at reform.

## ARTICLE II.

The officers of the society shall be a president, vice-presidents, a corresponding secretary, a recording secretary, a treasurer and an executive committee. There shall be the following standing committees, viz.: a finance committee, a committee on detention, a committee on prison discipline, and a committee on discharged convicts. The number of the executive committee shall consist of not more than thirty-five, of whom not more than ten shall be officers of the society, and not more than twenty-five shall be persons other than officers.

## ARTICLE III.

The officers named in the preceding article shall be ex officio members of the executive committee, who shall choose one of their number chairman thereof.

## ARTICLE IV.

The executive committee shall meet once in each month and keep regular minutes of their proceedings. They shall have a general superintendence and direction of the affairs of the society, and shall annually report to the society all their proceedings, and such other matters as shall be likely to advance the ends of the association.

## ARTICLE V.

The society shall meet annually in the city of New York, at such time and place as the executive committee shall appoint, and at such other times as the president, or, in his absence, one of the vice-presidents shall designate.

## ARTICLE VI.

Any person contributing annually to the funds of the association not less than five dollars shall, owing to such contribution, be a member thereof. A contribution of five hundred dollars shall constitute a life patron; a contribution of one hundred dollars shall constitute an honorary member of the association for life; and a contribution of fifty dollars shall constitute a member of the association for life. Honorary and corresponding members may, from time to time, be appointed by the executive committee.



## ARTICLE VII.

A female department shall be formed, consisting of such females as shall be selected by the executive committee, who shall have charge of the interest and welfare of prisoners of their sex, under such regulations as the executive committee shall adopt.

## ARTICLE VIII.

The officers of the association shall be chosen annually at the annual meeting, at which time such persons may be elected honorary members as shall have rendered essential service to the cause of prison discipline.

## ARTICLE IX.

Any society having the same object in view may become auxiliary to this association by contributing to its funds and co-operating with it.

## ARTICLE X.

The executive committee shall have power to add to any of the standing committees such persons as, in their opinion, may be likely to promote the objects of the society, and shall have power to fill any vacancy which may occur in any of the offices of the association, intermediate the annual meetings.

## ARTICLE XI.

This constitution may be amended by a vote of the majority of the society, at any meeting thereof, provided notice of the amendment has been given at the next preceding meeting.

The officers selected for the current year, under the constitution, shall continue to be the officers thereof until others shall be duly chosen in their places.

And it is hereby further enacted that no manager of said society shall receive compensation for his services.

3. The said executive committee shall have power to establish a workhouse in the county of New York, and in their discretion, to receive and take into the said workhouse all such persons as shall be taken up and committed as vagrants or disorderly persons in

said city, as the Court of General Sessions of the Peace, or the Court of Special Sessions, or the Court of Oyer and Terminer, in said county, or any police magistrate, or the commissioner of the almshouse may deem proper objects; and the said executive committee shall have the same power to keep, detain, employ and govern the said persons as are now by law conferred on the keepers of the bridewell or penitentiary in said city.

4. The said executive committee may, from time to time, make by-laws, ordinances and regulations relative to the management and disposition of the estate and concerns of said association, and the management, government, instruction, discipline and employment of the persons so as aforesaid committed to the said workhouse, not contrary to law, as they may deem proper; and may appoint such officers, agents and servants as they may deem necessary to transact the business of the said association, and may designate their duties. And the said executive committee shall make an annual report to the Legislature and to the corporation of the city of New York, of the number of persons received by them into the said workhouse, the disposition which shall be made of them by instructing or employing them therein, the receipts and expenditures of said executive committee, and generally all such facts and particulars as may exhibit the operations of the said association.

5. The said executive committee shall have power, during the minority of any of the persons so committed to the said workhouse, to bind out the said persons so being minors, as aforesaid, as apprentices or servants, with their consent during their minority, to such persons and at such places, to learn such proper trade and employment as, in their judgment, will be most conducive to the reformation and amendment and future benefit and advantage of such persons.

6. The said executive committee, by such committees as they shall from time to time appoint, shall have power and it shall be their duty to visit, inspect and examine all the prisons in the State, and annually report to the Legislature their state and condition, and all such other things in regard to them as may enable the Legislature to perfect their government and discipline. And to enable them to execute the powers and perform the duties



hereby granted and imposed, they shall possess all the powers and authority that, by the twenty-fourth section of title first, chapter third, part fourth of the Revised Statutes, are invested in inspectors of county prisons;\* and the duties of the keepers of each prison that they may examine shall be the same in relation to them as in the action aforesaid are imposed on the keepers of such prisons in relation to the inspectors thereof. Provided, that no such examination or inspection of any prison shall be made until an order for that purpose to be granted by the chancellor of the State, or one of the judges of the Supreme Court, or by a vice chancellor or circuit judge, or by the first judge of the county in which the prison to be examined shall be situate, shall first have been had and obtained, which order shall specify the name of the prison to be examined, the names of the persons, members of the said association, by whom the examination is to be made, and the time within which the same must be concluded.

## STATE OF NEW YORK.

IN SENATE, *May 8, 1846.*

The bill having been read the third time, two-thirds of all the members elected to the Senate voting in favor thereof,

Resolved, That the bill do pass.

By order of the Senate.

A. GARDINER,

*President.*

## STATE OF NEW YORK.

IN ASSEMBLY, *April 24, 1846.*

This bill having been read the third time, and two-thirds of all the members elected to the Assembly voting in favor thereof,

Resolved, That the bill do pass.

By order of the Assembly.

A. C. CRAIN,

*Speaker.*

APPROVED, this 9th day of May, 1846.

SILAS WRIGHT.



STATE OF NEW YORK, }  
SECRETARY'S OFFICE. }

I have compared the preceding with an original law on file in this office, and do certify that the same is a correct transcript therefrom, and the whole of said original.

In testimony whereof, I have hereunto affixed the seal of this office, at the city of Albany, the fifteenth day of May, in the year of our Lord, one thousand eight hundred and forty-six.

ARCH'D CAMPBELL,  
*Deputy Secretary of State.*

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[Revised Statutes, part IV, chap. 3, title 1.]

§ 24.\* It shall be the duty of the keepers of each of the said prisons to admit the said inspectors, or any one of them, into every part of such prisons; to exhibit to them, on demand, all the books, papers, documents and accounts pertaining to the prison or to the detention of the persons confined therein, and to render them every facility in their power to enable them to discharge the duties above described. And for the purpose of obtaining the necessary information to enable them to make such report as is above required, the said inspectors shall have power to examine, on oath, to be administered by either of the said inspectors, any of the officers of the said prisons, and to converse with any of the prisoners confined therein, without the presence of the keepers thereof, or any of them.

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\* See section 20 in last revision.

## By-laws of the Prison Association of New York.

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I. There shall be a stated meeting of the executive committee on the third Thursday of each month, and special meetings shall be held on the requisition of the chairman or any three members of the executive committee. The call for a special meeting shall, in all cases, state the business to be transacted at said meeting.

II. At every meeting of the executive committee five members shall be necessary to constitute a quorum.

III. The order of business at every stated meeting shall be as follows:

1. The reading and approval of the minutes of the last preceding meeting.

2. Report of treasurer.

3. Reports from standing committees.

4. Report from the corresponding secretary.

5. Reports from special committees.

6. Report from the general agent.

7. Miscellaneous business.

At a special meeting no other business shall be transacted than that for which the said meeting was called.

IV. The chairman shall appoint all special committees; and no person nominated by him shall be excused, unless upon reasons satisfactory to the meeting.

V. The chairman shall decide all questions of order, subject to an appeal; and the rules of order shall be those embodied in Cushing's Manual, so far as they are applicable.

VI. There shall be four standing committees, namely: A committee on finance, a committee on detention, a committee on discharged convicts and a committee on prison discipline.

VII. It shall be the duty of the finance committee:

1. To devise ways and means for obtaining the funds necessary to carry on the work of the association; and they may, at their discretion, employ an agent to collect the requisite funds.



2. To audit all bills against the association; and no bills shall be paid by the treasurer unless approved by the committee and countersigned by the chairman.

3. To audit and report upon the treasurer's accounts annually.

4. To invest and control the surplus moneys of the association, under the authority of the executive committee.

VIII. It shall be the duty of the committee on detention:

1. To inquire, as far as may be practicable or necessary, into the causes of commitment of persons in the prisons or houses of detention in the cities of New York and Brooklyn, and to adopt proper measures for procuring the discharge or providing for the defense of such as shall appear to be entitled thereto.

2. To visit frequently the prisons under their charge, and to endeavor to improve both the physical and moral condition of the prisoners in all suitable and practicable ways.

IX. It shall be the duty of the committee on discharged convicts:

1. To correspond with prison agents or superintendents relative to the character and trades of prisoners, and to ascertain, previous to the discharge of each prisoner, his feelings, views and capabilities, with a view of making the best arrangements for his future employment.

2. To keep a record of all persons who will employ discharged prisoners, and of their several occupations; to procure such employment for prisoners and applying therefor as seems best adapted to the capacity of each; to hold correspondence with employers; to keep a record of the conduct and prospects of those for whom places have been obtained, that they may be sustained and encouraged with the idea that a continued friendly interest is felt for them.

3. To secure suitable boarding places for discharged prisoners, where they will not be exposed to corrupting influences, taking care not to have more than one in a place, where it can be avoided.

4. To see that the prisoners are provided with suitable clothing, of a kind that will not attract particular attention.

X. It shall be the duty of the committee on prison discipline: To give attention to the internal organization and management of prisons, embracing the physical and moral influences to be exerted on the prisoners during their confinement. This duty shall be comprised under the following heads: Health, reformation, convict labor, administration and internal police, comparison of different prison systems, visitation of **prisons and** houses of reformation, and the whole subject of criminal law and penal justice.

XI. One or more agents may be appointed by the executive committee to assist the standing committees in the performance of their duty.

XII. The recording secretary of the association shall be the secretary of the executive committee; and it shall be his duty to keep the minutes of the proceedings of said committee, to record them in a book provided for that purpose, and to give due notice of all the meetings of the committee.

XIII. The corresponding secretary shall conduct the correspondence of the executive committee and of each of the standing committees; when required shall act as the general financial agent of the association, and shall report at each stated meeting of the committee.

XIV. The treasurer shall receive and safely keep all moneys belonging to the association; shall pay over the same as directed by the finance committee; shall report at each stated meeting of the executive committee, and shall give such security for the faithful discharge of his duty as that committee shall require.

XV. The president, chairman of the executive committee and corresponding secretary shall be members, ex officio, of all the standing committees.

XVI. No alteration shall be made in these by-laws, except upon notice of the proposed amendment given at a previous meeting of the executive committee.



## Report of the Executive Committee.

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The Prison Association of New York offers its fiftieth annual report to the Legislature.

Its routine work has been carried during the year past with increased activity. Reports of its county committees, reports of inspection, and of its standing committees on detention and discharged prisoners will be found further on. Improvements are shown in several of the county jails, but the system is as bad as ever; a purely political system with enforced idleness of all prisoners, unrestrained association, and no effort made for reformation. It is idle to look for any great diminution in the criminal class while it is constantly recruited from those whose training in crime is often begun, or whose knowledge of crime is perfected, in the county jails. The public safety requires that honest citizens should demand the abolition of the county jail, except as a place of detention for those awaiting trial, or held on civil process. A system of district workhouses, or of agricultural colonies under the charge of the department of prisons—with a scheme of cumulative sentences and provision for systematic industry, would do much to protect the State against a large class of misdemeanants who are now a public burden and a public menace. Germany and Holland have advanced beyond the experimental stage in this matter, and we have much to learn from these and other countries in Europe.

### The State Reformatory at Elmira.

The office of the Prison Association has been, as heretofore, the reporting office for paroled men coming to New York from the State Reformatory. Since the late Hon. Samuel Booth, of Brooklyn, broke down in health, and for many months prior to his death, this office has received the reports and exercised a supervision of the men paroled to Brooklyn as well. By a refer-

ence to the general agent's report, it will be seen that we have had under our observation during the year 406 men. Of this number but 66 have failed to justify the judgment of the managers in granting them their release. A full account of the relation of the reformatory to this association, will be found in the report of the conference that was held on the fiftieth anniversary of the society.

### The Library.

Owing to the intelligent and earnest exertions of Rev. Samuel M. Jackson, LL. D., chairman of the library committee, there have been added to our collection of penological works all the most valuable publications of the year. This library is available to all students of penology, to clergymen, to legislators and workers in all of the collateral fields of social science. It is the largest special library of the kind in the world.

### Prison Labor.

The association has viewed with alarm the amendment to the Constitution looking to the abolition of productive prison labor. The amendment is as follows (art. III, section 29.):

### ARTICLE III.

#### COPY OF THE AMENDMENT.

Section 29. The legislature shall, by law, provide for the occupation and employment of prisoners sentenced to the several State prisons, penitentiaries, jails and reformatories in the State; and on and after the first day of January, in the year eighteen hundred and ninety-seven, no person in any such prison, penitentiary, jail or reformatory, shall be required or allowed to work, while under sentence thereto, at any trade, industry or occupation, wherein or whereby his work, or the product or profit of his work, shall be farmed out, contracted, given or sold to any person, firm, association or corporation. This section shall not be construed to prevent the legislature from providing that convicts may work for, and that the products of their labor may be disposed of to, the State or any political division thereof, or for or to any public institution owned or managed and controlled by the State, or any political division thereof.



The Prison Association, by its committee on legislation, appeared before the convention to oppose this amendment, and received every assurance that there was little likelihood of its passage. During the last days of the convention it became a topic fruitful of discussion, and at last the convention was prevailed upon to embody it in the Constitution, to be submitted to the popular vote. It was to be voted upon together with other amendments of great importance—and hence became a part of the constitutional law of the State—since many whose consciences and good sense opposed this section would not vote against it without imperilling the rest. The association desires to record here the protest that it made against this amendment prior to its passage. It is as follows:

#### Opposition of the Prison Association.

At a special meeting of the executive committee of the Prison Association of New York, the following minute and resolutions were unanimously adopted:

Resolved, That the proposed amendment to the Constitution relating to prison labor (article 3, section 29, of the Constitution adopted by the late convention), as it prohibits the manufacture by the convicts of any goods to be sold or given away, would, if adopted, forbid the employment of productive industry in the prisons and condemn the prisoners to enforced idleness. The proviso in the amendment, that the convicts may be employed in the manufacture of goods to be used in the prisons or in other public institutions of the State, is illusory and affords slight relief, for the reason that the goods used in most institutions are now largely manufactured by their own inmates; and, under the operation of this proviso, it is not probable that five (5) per cent. of the prisoners could be kept at work.

The effect of the proposed amendment is not left to conjecture; it has been already tested. In 1888 an act was passed by the Legislature of this State (known as the Yates law), which was substantially identical in its provisions with the proposed constitutional amendment. It contained precisely the same interdiction of productive labor in the prisons, excepting only the manufacture of articles needed and used in the public institu-

tions of the State. The effect of this law was most disastrous; it abolished labor in the prisons, and the convicts, confined in their cells and debarred from employment, made piteous appeals to the authorities to be allowed to go to work; as the idleness continued, the prisoners constantly deteriorated, morally and physically; they became more and more restive and mutinous, until the prisons were seriously threatened with outbreak and riot. The injurious operation of this law was so strikingly manifest that it was repealed the following year by common consent; and the Legislature then adopted a codification of the prison laws of the State (known as the Fassett law) which has received universal commendation as the most enlightened and scientific system of prison law ever enacted within the United States. This admirable system, which is the one now in force, the constitutional amendment proposes to abolish and to substitute for it a system of compulsory idleness in the prisons.

Resolved, That the objections made by the Prison Association to the proposed amendment rest upon the following compositions:

(1.) Productive industry is an indispensable instrumentality for the reformation of the convict. Without its aid, it is impossible to awaken in the prisoner healthy ambitions, to develop habits of thrift and labor, to qualify the convict to earn an honest living after his discharge, or to create within him either the desire or the capacity to abandon his life of crime.

(2.) Idleness is ruinous to the morals of the prison. Its inevitable effect on the prisoner is physical and moral degradation; criminal thoughts and purposes take entire possession of his mind; he becomes confirmed in his revolt against law and against society, and he leaves the prison upon his discharge a more confirmed and desperate criminal than when he entered it.

(3.) The proposed amendment will add an enormous burden of taxation to those now borne by the people of this State. This burden will be the heavier because of its gross injustice. There is no possible reason why the prisoners should not work for their support, or why the State should maintain them in idleness. The only argument urged against their labor is that it competes with free labor. Statisticians have asserted that the aggregate pro-



duct of prison labor is less than 1 per cent. of the total of all labor throughout the United States. But even if the competition were appreciable, the cost of maintaining prisoners in idleness must be borne by taxation, which falls with the heaviest incidence on the free laborer; such increased taxation will prove a severer burden than the competition of prison labor to the free workman.

(4.) The proposed amendment is a long backward step in prison legislation. It would prove fatal to all those advanced methods of prison reform which are the fruit of modern prison science, which have achieved marvellous results in reforming convicts, and which have demonstrated that proximately 80 per cent. of all convicts can be reclaimed from crime and made to be law-abiding and self-supporting. All these methods and agencies of reformation rest upon productive convict labor as their foundation and corner-stone. The State of New York has heretofore taken the lead in America in the development of a scientific reformatory system of prison discipline. But this proposed constitutional amendment abolishing labor in prison will place the State of New York alone, among all the States of the Union, in the establishment of a prison system, the counterpart of which must be sought for in uncivilized and barbarous countries or in mediaeval history.

CHARLTON T. LEWIS,

*President.*

EUGENE SMITH,

*Secretary.*

The amendment—now a part of the constitutional law of the State—will, in effect, throw at least four-fifths of the inmates in our prisons and penitentiaries into absolute idleness. No system of public work for prisoners has been devised that he appears at all practicable to those best qualified to judge. The financial burden to the State will be greatly increased, and it is not likely that any Legislature will add to that burden by appropriating the money necessary to put the prisons on a strictly educational and reformatory basis. The amendment does not become operative until January 1, 1897. In the hope of averting

the disaster to the State, that is sure to be caused by its operation, the Prison Association has had introduced into the Senate and Assembly a resolution, as follows:

### Concurrent Resolution.

Concurrent resolution of the Senate and Assembly, proposing amendment to article III, section 29 of the Constitution, relating to prison labor.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Resolved (if the Senate concur) That section twenty-nine of article third of the constitution be amended so as to read as follows:

All prisoners sentenced to the several State prisons, penitentiaries, jails and reformatories of the State shall be kept occupied and employed at labor; and on and after the first day of January, eighteen hundred and ninety-seven, no such prisoner shall be required or allowed to work at any trade, industry or occupation wherein or whereby his labor or time shall be farmed out or contracted to any person, firm, organization or corporation. The legislature shall provide for the employment of such prisoners as far as practicable upon public work, or in the manufacture of supplies required for the use of public institutions owned or managed and controlled by the State, or any political division thereof.

This resolution was prepared by our committee on law and legislation. If it passes favorably through this and next year's Legislature, it can be submitted to a popular vote before the time at present set for its operation.\* If it does not pass—it must have the concurrence of another Senate—the members of which are elected for three years, and there can be no change in the Constitution until 1899. The provisions for prison labor under the present law are all that could be desired. They provide for a diversity of industries and are so arranged that there can be no serious competition with the trades outside the prisons. The present law as to prison labor embraces the following points:

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\* The resolution passed both houses after the introduction of this report.



## ARTICLE III, CHAPTER 382, LAWS OF 1888.

Section 95. Directs classification of prisoners as to degrees of criminality.

Section 96. Provides for promotion according to ability and behavior.

Section 97. Forbids contract labor in prisons.

Section 98. Provides that prisoners shall not labor more than eight hours daily.

Sections 99 100, 101. Provides for the labor of prisoners in respective grades.

Sections 102, 103. Requires prisoners to be employed on the public account system or piece-price plan; defining both, and places certain limitation to profits to be made from prison labor.

Section 104. Defines duty of superintendents of prisons as regards prison labor.

Section 105. The total number of prisoners employed at one time in manufacturing one kind of goods which are manufactured elsewhere in the State shall not exceed five per centum of the number of all persons within the State employed in manufacturing the same kind of goods, as shown by the last United States census or State enumeration, except in industries in which not to exceed 50 free laborers are employed. Provided that not more than 100 prisoners shall be employed in all the prisons of the State in the manufacture of stoves and iron hollow-ware, and that not more than 100 prisoners shall be employed in all the prisons of the State in the manufacture of boots and shoes, and provided further that no prisoner shall be employed upon any one of said specified industries in any of the penitentiaries, reformatories or houses of correction in the State, except in making articles for the use of the public institutions of the State.

Section 106. The Superintendent of State Prisons directed to manufacture articles needed in public institutions.

Section 107. The Comptroller, Superintendent of Prisons and President of the State Board of Charities to constitute a board to fix prices at which prison goods shall be supplied to public institutions.

Sections 108, 109, 110. Provides that prisoners on good behavior may have a share of their earnings.

The balance of the chapter relates to the plan required for prison labor and the accounts.

By the above act (section 105) it will be seen that no serious competition can possibly occur with trades practised outside the prison. As a matter of fact there has been no such competition. From figures gathered in our own office, verified by us as to the prisons, and by the various trades unions as to the number employed outside the prisons, we have prepared the following table, which is worthy of the attention of those who seriously seek to color what has heretofore been reckoned one of the social problems of the day.

*Table of number employed in prisons in relation to number employed in similar trades outside the prisons.*

INDUSTRIES.	Sing Sing.	Auburn.	Clinton.	Total.	Employed in same industries outside.	
Tailoring .....	353	53	....	406	50,000	Eight-tenths of 1 per cent.
Furniture making .....	....	194	....	194	15,559	One and one-quarter per cent.
Iron casting .....	....	121	...	121	42,078	Three-tenths of 1 per cent
Shirtmaking .....	....	...	425	425	18,678	Two and one-quarter per cent.
Shoemaking .....	100	...	...	100	16,170	Three-fifths of 1 per cent.
Broommaking .....	....	80	...	80	11,000	Three-quarters of 1 per cent.
Saddlery and harness. ..	..	65	..	65	3,200	Two per cent.
Granite and stonecutting	87	160	....	247	14,500	One and six-tenths per cent.
Total .....	540	673	425	1,638	.....	

The present law having been framed with a regard to the rights of all concerned can hardly be improved upon, if properly interpreted and properly enforced. The State would be a decided gainer by its continuance, the public find a relief from a large burden of taxation, and the prisoner fitted to meet the demands of labor and the necessities of life upon his release.



### The Jubilee of the Prison Association.

This fiftieth report marks half a century of work in the history of the Prison Association. It was fitting that there should be some celebration of the occasion. A committee was appointed consisting of Messrs. Lispenard Stewart, Benjamin Ogden Chisolm, James McKeen, and Edward Wells Southworth, and the president and corresponding secretary "ex officio." This committee decided to celebrate this interesting anniversary by a conference of penologists and prison officers and others interested in the cause of prison reform. Invitations were accordingly issued, and on the 28th of February the celebration was held. There were two day sessions and an evening session. The papers and addresses on the occasion were of such great value that it has been thought wise to incorporate them in this report. They will be found on the following pages:

## Reports on County Jails.

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### ALBANY COUNTY PENITENTIARY, ALBANY.

Prison in excellent condition. Industries, shirt and brush-making, and although there is not enough work at times to keep all the prisoners busy, they are compelled to work 10 hours a day.

There are so many negro prisoners engaged in the shirt industry, and working as though their very lives depended upon it, that one would take the place for a southern prison. These prisoners are nearly all from the south where they were convicted in the United States Courts.

A reference to the Laws of New York, chapter 382, article 3, section 3. "It shall not be lawful for ————— managers of any of the penal institutions of the State to hereafter receive or permit to be received any prisoners convicted in the United States courts held without the State of New York, or in any State court, other than that of the State of New York."

Men and women at work together in prison laundry and no keeper in sight. Discipline not what it should be.

If work for the prisoners is so hard to get, it might be wise to reduce tasks and hours—in the State prisons it is unlawful to work prisoners more than eight hours.

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### SCHENECTADY COUNTY JAIL, SCHENECTADY, N. Y.

New stone jail, with boiler-iron cells. Clean and in excellent order—prisoners with the exception of a few, four miles away, breaking stone under supervision of the sheriff. Ventilation of jail, very poor. The jail while far from being a good one is much better than the average. The attempt to introduce labor is commendable.

## MONTGOMERY COUNTY JAIL FONDA, N. Y.

Jail adjoining court-house. Built in 1882; is properly constructed. Ventilation and light, very good. Needs painting to put it in proper condition. Sanitary arrangements excellent.

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## ONEIDA COUNTY JAIL, UTICA, N. Y.

Good jail, well-kept, clean and orderly. Slightly overcrowded at the time of inspection, but sheriff was about to transfer a lot of prisoners to Rome jail, Oneida being a double-shire county. Oneida has no reason, like so many other counties, to be ashamed of the jails.

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## ONONDAGA COUNTY PENITENTIARY, SYRACUSE, N. Y.

Inspected September, 1894. This prison is keeping up the reputation which it justly earned years ago—that of being the worst penitentiary in the State. The galleries cells and corridors were far from clean. Discipline, very poor. Not enough keepers on duty for perfect safety. Imperfect separation of the sexes.

Supervisors have recently caused an extension to be built on one of the shops so that the contractors for the prison labor could have more room for material used in the business. It is imperative that contractors should be accommodated, so they get a new brick extension put up by the county supervisors, but these model county officers evidently regard the matter of complete separation of men and women as of secondary importance, so the much-talked-of new wing has not been erected. It is to be hoped that Onondaga county will soon act in this matter.

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## HERKIMER COUNTY JAIL, HERKIMER, N. Y.

This jail is utterly bad and no remedy will meet the situation but to raze the old building to the ground and build a new



jail. It is dark, dirty and vile, and in summer, when it is necessary to keep the windows open, the noise of the prisoners disturbs worshippers in a church on the opposite side of the narrow street. It was plain to be seen that the energetic sheriff was keeping the place as well as it could be kept under the circumstances, but the old building is utterly unfit for use. The upper story, where the women are confined, is not secure — the window bars being made of wood. Herkimer is a rich county, but it maintains a jail that is not fit for human beings to be kept in. It is nearly as bad as the worst jail in the State.

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#### RENSSELAER COUNTY JAIL, TROY, N. Y.

Jail built in 1826, annex built 1885. New addition little or no better than old structure, which was so unmercifully condemned years ago by this association. The jail should be demolished and a new modern structure erected. The corridors are so dark that gas has to be kept burning at all times. Enough iron is used in the old cell doors to make three of a modern pattern. Prisoners sleep on dirty canvas stretchers that are folded against the side of cells when not in use. Number of cells, 32; and four large rooms. Separation and sanitary arrangements, good.

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#### ERIE COUNTY JAIL, BUFFALO, N. Y.

There are no corrections that I know of. In regard to improvements, would say that a contract has been let for a large addition to the Erie County Penitentiary which will accommodate many prisoners and relieve the crowded condition of the whole building. The new one is to be a model of convenience and quite an improvement on anything else we have. The work is continuing as usual in the past.

C. B. ARMSTRONG.

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#### SCHUYLER COUNTY JAIL, WATKINS, N. Y.

In regard to our jail, it is in good condition. It is furnished with city water and good sewerage and is lighted with gas. The

sheriff's residence is under the same roof, so prisoners have his constant oversight. There are but few now there and all for minor offenses.

F. DAVIS.

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#### GENESEE COUNTY JAIL, BATAVIA, N. Y.

No changes in the county jail the past year, except slight improvements. A new jail upon a different site is sorely needed.

GARDNER FULLER.

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#### ULSTER COUNTY JAIL, KINGSTON, N. Y.

The jail is in course of internal reconstruction under the direction of the board of supervisors. The crying need is work for the prisoners.

A. W. REYNOLDS.

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#### DUTCHESS COUNTY JAIL, POUGHKEEPSIE, N. Y.

There are no important changes in our county jail, everything goes on in the old-fashioned way, no work for the prisoners, inadequate accommodations for separation of old offenders from women and children.

EDMUND P. PLATT.

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#### WYOMING COUNTY JAIL, WARSAW, N. Y.

There is nothing new to write you in regard to the jail and its occupants. Very few prisoners are confined in prison and everything seems to be moving along in about the usual way. The sheriff is an excellent man and I think looks after the interests of the prisoners to the satisfaction of everyone.

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#### LEWIS COUNTY JAIL, LOWVILLE, N. Y.

I have to-day visited the jail, and had a talk with our sheriff, F. C. Markham, in reference thereto. Within the last year our supervisors have caused a fine steam-heating apparatus to be

introduced in sheriff's house and jail, with great promotion of comfort in the corridors and cells. They have also introduced the new village water supply all through the premises with improved sanitary arrangements throughout the jail. The entire property is kept in good repair and well painted, and a good experienced deputy and his wife in charge. Quite regularly the jail committee of the Young Men's Christian Association here hold Sabbath services with the inmates when there are any there.

J. CARROLL HOUSE.

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#### OTSEGO COUNTY JAIL, COOPERSTOWN, N. Y.

As to the jail I have no late knowledge, but I believe it to be in a good hygienic condition, warm and tidy, with ventilation essentially in the hands of the inmates. The department for junior offenders and women is especially so, and even cheerful and pleasant, as any place of confinement can well be. I think no changes have recently been made or contemplated or needed, unless it be ventilation for the first ground floor.

H. LATHROP.

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#### STEUBEN COUNTY JAIL, BATH, N. Y.

There are no changes in jail matters, except a new sheriff and family have charge, and the sheriff's wife is a devoted Christian woman, and takes more interest in the religious services than any of her predecessors. She always attends them in person and knows for herself how they are conducted and what is the apparent results. We hold meetings for one hour on each alternate Sunday afternoon. We get a good thoughtful hearing and very few Sundays pass without requests for prayer, and frequently we have testimonies.

There is good evidence of several conversions during the last year.

Z. L. PARKER.



## SENECA COUNTY JAIL, WATERLOO, N. Y.

Our jail is in good condition. Has been full of tramps much of the time the past winter.

Hon. S. G. HADLEY.

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## CLINTON COUNTY JAIL, PLATTSBURGH, N. Y.

There have been no changes in its management during the past year, and so far as I know it was never better.

HENRY ORVIS.

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## TIOGA COUNTY JAIL, OWEGO, N. Y.

Our county jail is now in first-class order, over a thousand dollars having been expended during the past year to make it so. I could not suggest any improvement. Its sanitary condition is also very good.

WM. SMYTH.

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## BROOME COUNTY JAIL, BINGHAMTON, N. Y.

We are making every effort to induce the board of supervisors to erect a new and modern building for a jail. The one now in use is entirely unfit for the purpose.

JNO. G. ORTON.

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## MONROE COUNTY JAIL, ROCHESTER, N. Y.

Our jail seems to be in good condition and very well managed, and I do not know of any improvement to suggest.

Q. VAN VOORHIS.

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## NIAGARA COUNTY.

Among the public buildings of the city of Lockport, N. Y., the new county jail building takes a noticeable place. The following is a brief description of the building:

Entering under a wide arch through a grated iron door, the visitor finds himself in a spacious vestibule, which is separated

from the stair-hall of the jail by a strong iron screen or grating. Through another iron door the office is entered, which connects with a private office for the sheriff, and with the hall into which open the different cell departments. On the left hand side, coming from the office, we take a look at the bath and search-room, containing bathtub, water-closet and wash-basin; in one corner of the hall we notice the elevator by which the prisoners' food is carried to the different floors.

Entering the stair-hall we are confronted by three heavy iron doors. The one nearest to the iron grating swings back, and we enter the juvenile department, which contains three iron cells each six feet six inches wide, nine feet long and eight feet high, with a corridor five feet wide extending the length of the three cells, as exercise corridor for the prisoners. Before entering the cells proper we will take a look around the room. On our right hand we notice an iron grating with a door opening on a three-foot corridor around the cells, preventing the prisoners from reaching the windows, of which there are five, admitting an abundance of light.

The height of the room is 10 feet, leaving a clear space of two feet from the cell ceiling to the ceiling of room, which we notice is constructed of iron beams, with corrugated iron arches between. The floor of room is of cement concrete. At the rear each cell has a four-foot wide grating from floor to ceiling, admitting light.

Retracing our steps, we enter the prisoners' corridor. Facing the cell doors, which are of solid iron plate, we notice a flat bar grating extending from top of cell doors to cell ceiling, and the full length of the three cells; it is placed there to secure a perfect circulation of air through the cells. Entering one of the cells, we are struck by the purity of the air; perfect ventilation is secured by placing a vent box in the corner, at front of cell, connected with a round pipe, which carries all foul air through ceiling to a large vent shaft, which in turn discharges it above the ridge of the roof. Fresh air is admitted by two fresh-air outlets through inside walls, passing over heated radiators in cold weather, thus insuring an abundant supply of fresh air. A water-closet, of latest pattern for prison use, and a wash basin,

perfect the sanitary arrangements. Iron bunks are fastened to walls, provided with mattresses, etc. We are informed that every cell is fitted up like the one we are in, and with full appreciation of the humane principles adopted in constructing these cells, securing cleanliness, fresh air, and thus health to the unfortunate confined in their walls.

We turn our steps back to the stair-hall, and enter through the door next to the female department, which also contains three cells and corridor, and which are an exact duplicate of the juvenile cells.

The third door in the stair-hall is opened, and we enter into the department for hardened criminals, which contains 12 steel cells, each seven feet long, 10 feet deep and eight feet high. The cells are set away from the outside walls, leaving a corridor all around, five feet wide at the sides, seven feet at the front, and three feet at the rear end; through the entire length of the cage runs an eight foot wide corridor, used as an exercise room by the prisoners, having heavy gratings at both ends, admitting light. We are informed that these cells are constructed of saw and file-proof steel, in the strongest possible manner, thus reducing the chances of a prisoner's escape to an almost, it not an entire, impossibility. Not caring to enter the cells proper, we take a walk around the cage. At the rear of each cell we notice a grated section the full length of the cell; it is the so-styled "Key bar" construction; looking through the grating we notice the same arrangement for ventilation as in the juvenile cells; in fact, they have the same furnishings as the cells already described. Continuing our walk, we gain the front corridor again, step out into the stair-hall, and ascend the iron stairway to the second floor, and, reaching a platform, we are opposite an iron door, through which we enter. It is the room above the steel cells, of the same construction as the other cells, but of soft steel, as these cells are used for less hardened criminals and prisoners for light offenses against the law. They, too, are like the ones furnished below.

Leaving the room, we go up four steps and reach the level of the second floor, front building; a balcony runs around the hall, on which opens five iron doors. We take a glance at the



two rooms at our left; the one nearest is the "debtors" and the other the "misdemeanor department," each of these contain three cells and exercise corridor of the same size and fitted up exactly like the juvenile and female cells in the rooms below.

The room we next enter contains the hospital cell, which is a room 10 feet deep by 12 feet long. Three large windows admit light and two fresh-air inlets, fresh air. The room next to the hospital contains three "retraining cells," each seven feet long, nine feet deep and eight feet high, in all other respects constructed and fitted up like the juvenile cells fully described before.

Gaining the balcony in the hall we notice a small door in one corner; it is the door to the elevator by which food is carried up to this floor. The last door opens into a room containing a "solitary" cell, constructed of saw and file-proof steel, in same manner as described for steel cells on first floor, the cage, including the vestibule is six feet six inches wide and 11 feet long and eight feet high; it is provided with water-closet and wash-basin.

Leaving this room, we walk up another flight of stairs and enter a room which is above the one containing 14 soft-steel cells; this room also holds 14 cells constructed of the same material, and is in every respect a repetition of the cells below. These cells are also used for less-hardened criminals. This room is the last one in the building used for confining prisoners, and on an invitation from our obliging guide, we descend the stairway to the basement. The first room we enter there is the jail kitchen, where all the food is prepared for the prisoners; connected with the kitchen is a large store-room, and on the other side of the hall is the laundry. At the stairway end of the hall is a wide doorway, leading into the boiler-room containing the boiler for heating the different rooms of the entire building. The floors throughout the basement are of cement concrete.

The jail seems safe, well ventilated and well constructed, with ample provision for the separation of the sexes and various classes of prisoners.

Connected with the jail building is the sheriff's residence, containing six rooms and provided with all modern improvements.



The building is of brick, with stone foundation, trimmings and slate roof, and it is what we said in the beginning—in every respect, truly a credit to the county of Niagara.

The above report was written at our request, by one who had carefully studied the building in all its parts.

The Philanthropic Union of the Society of Friends is represented on the executive committee of the Prison Association of New York by Mr. John Wm. Hutchinson, and it has been thought wise to publish the following admirable report of one of its committees as an appendix to our own reports on inspection.

# REPORTS

OF

VISITORS FROM PRISON REFORM COMMITTEE OF THE  
WOMEN'S NEW YORK MONTHLY MEETING OF THE  
RELIGIOUS SOCIETY OF FRIENDS READ AND AC-  
CEPTED AT COMMITTEE MEETING HELD AT No. 226  
EAST SIXTEENTH STREET, NOVEMBER 7, 1894.

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## PRECINCT No. 4, No. 9 OAK STREET.

Matrons.—Mrs. Davis, Mrs. Fitzsimmons.

The cells for women are six in number in each row in each end of the prison, the rows between being used for men; they are decently clean and the water arrangements commonly in good condition.

The matron's room, like the rest of the building, was painted in the spring. It is not, however, a suitable room, as the only window opens into a well.

In two and one-half years, each matron has lost about two months from sickness.

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## PRECINCT No. 6, ELIZABETH STREET.

Matrons.—Mrs. Linner, Mrs. Merrill.

The cells appear to be in good order and the air good, but they are not free from vermin. The whole building has been recently painted.

The matron's room is unsuitable, because the only window opens into a well, of which the fourth side is the wall of a tenement-house. The doors of the lodging-rooms for men and women are next each other, and the door from the women's lodging-room opens into the ventilating shaft of the men's cells so that full conversation is possible.

## PRECINCT No. 11, No. 105 ELDRIDGE STREET.

Cells are in good order, but are kept so at matron's expense. The lodging-room needs whitewashing; only women are received as lodgers. There are many women prisoners at this station-house and a large increase over last year. During the summer women were received from 12 precincts, where usually they are received from only three.

There were, during July, 1893, 232 women prisoners.

There were, during July, 1894, 409 women prisoners.

For the four months, June, July, August and September, 1894, there were 2,090 arrests; in September alone, 622. These are mostly vagrants between twenty-five (25) and forty (40) years of age, and most of them are well known at the station-house, as they have been many times arrested. Some were there five times in two weeks. The prisoners say that if they get drunk on the other side of the Bowery they get two months; this side, two days; so they come over here.

When our visitors reported the matrons had had no vacation. They have a comfortable room with outside window; it badly needs cleaning, this having not been done in two years. At times there is an offensive smell from a closet near the matron's room.

Since February, 1892, one matron lost, by sickness, 10 days.

Since October, 1892, the other matron has lost two weeks.

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PRECINCT No. 13, UNION MARKET.

Matrons.—Miss Mary Collis, Miss T. McCarthy.

They have never lost a day from duty since first appointed. The matron's room is large and airy, with window on the street. They have no care of lost children, except occasionally they stay in officer's room for a time with one who is over-frightened.

The cells are in excellent condition, painted in two shades of brown. They are kept clean by a man hired by the doorman; the closets are clean and everything is in good order; there is sometimes a smell of sewer gas in the prison.

## PRECINCT No. 15, 221 MERCER STREET.

Matrons.—Mrs. Hammin, Mrs. Price.

Cells in good order; only women lodgers received, and not very many each night. The prison is not well ventilated, and the lodging-room not in good order. The women's prison has no proper way of draining off water. The matron's room needs new carpet and window shade and the furniture should be repaired.

The whole station-house needs a general renovating.

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## PRECINCT No. 19, THIRTIETH STREET, BETWEEN SIXTH AND SEVENTH AVENUES.

Matrons.—Mrs. Leboureaux, Mrs. O'Brien.

The matron's room is very small; only six feet by ten (6 x 10). The only window opens into a well, into which the men's closet below opens. A foul smell arises, making it impossible for the matrons to have the window open in summer. In winter the floor is very cold, because the downstairs doors is open to the airshaft.

There are both men and women lodgers; the doors of lodging-rooms being next each other; the skylight can not be opened, and the air in the lodging-room is very close.

The women's prison is in good condition, but the station-house seems to have sewer gas all over it. The expense of keeping the women's cells and their room clean is now paid by the matrons, because they were not satisfied with the way it had been done. A great many lost children are brought to this station. They are under the matron's care, and she has had as many as seven in her little room at one time. The matrons have had serious illnesses, from the effect of the unsanitary condition of the station-house. This place needs examination by the board of health. In fact, we would be glad if the board would examine all the station-houses in the city.



## PRECINCT No. 21, EAST THIRTY-FIFTH STREET.

Matrons.—Mrs. Walden, Mrs. Carley.

The matron has a large, airy, well-lighted room, which has been supplied with a good circulating library.

There are no lodging-rooms, and the cells are clean.

The men's and women's cells are quite separate, the former downstairs and the latter in the yard.

The matrons care for lost children, and have sometimes three or four a day. We consider this station-house provides good conditions for successful work by the matrons.

Absence since January, 1891; one matron one week, and the other between three and four weeks.

## PRECINCT No. 25, No. 153 EAST SIXTY-SEVENTH STREET.

Matrons.—Mrs. Barnes, Mrs. Wheeler.

Matron's room large and conveniently situated, but receives no direct light. No women lodgers, but men's lodging-rooms on the same floor with the women's cells.

The matrons care for lost children.

This station-house also receives women for the West Twenty-seventh street and West Sixty-eighth street stations. They have often to be brought across Central Park in the sunken roads, in a half-drunken condition, in the middle of the night.

During the summer, while other matrons are away, female prisoners were brought to East Sixty-seventh street from Morrisania and from far down-town. One of our visitors reports seeing a woman who had been brought up from Thirty-fifth street. She had been very violent, and her clothes were nearly torn off her back in bringing her to the station-house. These facts emphasize the need of patrol wagons for this precinct. The matrons have lost from sickness, one matron two months, the other three months. Their sickness is attributed to malaria. The men's cells are in the basement; are very damp. Our visitor reports seeing water in them.

TWENTY-NINTH PRECINCT, EAST ONE HUNDRED AND  
TWENTY-SIXTH STREET.

Matron's room comfortable and very neat.

In good weather they have many lost children at this station-house.

Most of the women arrested are drunken; some of them are brought in as often as four times a month.

The matrons would like a different arrangement of Sunday work so that they could be relieved from duty for the whole of each alternate Sunday.

We have no report from Morrisania.

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The following correspondence of the same committee will also be of interest:

*To the Police Commissioners of New York City:*

The prison committee of women connected with the Religious Society of Friends in New York city, has watched with interest the work of the police matrons since their appointment. The committee holds monthly meetings, except during the summer, at which reports from visitors at the station-houses where there are matrons are read.

As a result of their investigation this committee desires to call your attention to some matters which we consider important:

First. There is the need of more matrons, as shown by the reports received. The matrons on duty are overworked during the summer months, when other matrons have their vacation. Whenever a matron is sick, or absent for some other cause, the work of the other matron is disarranged. At all times there is too great a distance between the station-houses having matrons, especially so uptown, on the west side. There should be in the city a sufficient number of matrons, that in case of sickness or absence from other causes of a matron in one of the precincts, substitute matrons could be immediately sent there. We have already presented to you, by a letter sent last spring, our sug-



gestion that matrons be sent from Morrisania to fill temporary vacancies and have already received a reply that you would do this. We learned afterwards, by the reports of our visitors, that there are so many absences at one time that if both matrons from Morrisania were used as substitutes there would still be some station-houses without matrons. We adhere to our original principle, that women should never be received, by day or by night, except by a matron.

Second. There is immediate need of patrol wagons to carry women prisoners. They are now often taken long distances, both in the daytime and in the night, to reach a station-house where there is a matron. For the protection of the reputation of policemen, against whom false accusations are often made, if for no other reason, they are a necessity. Apart from this, we believe that the dragging of a drunken woman through the streets is demoralizing to all who see it, and for this reason we ask that additional patrol wagons be immediately supplied to the police department; also, that where there is any considerable distance to go, that all women arrested shall be taken in these patrol wagons, and that they shall be used for short distances when the women's condition makes her unfit to go decently without one.

Third. We ask that you investigate the situation and condition of the matron's rooms. Our reports distinctly show that where there are insanitary conditions the matrons lose much time from sickness, and in one case (Union Market) where they have had a suitable room, they have lost no time at all.

In most of the station-houses there is no suitable room for a matron. We respectfully ask that in building new ones this matter be considered. Until new ones are erected, cleaning and painting and repairing defective plumbing would do much to improve present conditions.

Fourth. We think there should be a uniformity in the practice of carrying out the rules regulating matron's work. We do not find this at the present time. There are different customs at different station-houses as to the custody of the key to women's

cells; rules regulating matron's lunch; keeping cells clean and the care of lost children. We think that matrons should have entire control of lost children and all women at the station-houses, whether prisoners or lodgers. We, therefore decidedly disapprove of having women lodgers where there are no matrons.

We also respectfully advise against having men and women lodgers at the same station-house.

We have reports received within a month, upon which this letter is based, and shall be glad to present them to you, if you desire them. We offer you our co-operation to effect any of the reforms here proposed.

On behalf of the Committee,

SIGNED BY MEMBERS OF THE COMMITTEE.

## REPORT OF GENERAL AGENCY OF THE PRISON ASSOCIATION.

The past year of this department of association's work has been one of unceasing activity in both of its branches, detentions and discharged convicts, as will be seen by the following statements. As the nature of the work is fully explained in Mr. Kimball's paper, read at the jubilee meeting and published in another part of this report, it seems unnecessary to make a detailed statement, therefore the usual tabulated account, and a very few sample cases are presented herewith:

### Discharged Convicts.

From November 1, 1893, to October 31, 1894, the association has given relief as follows:

Assisted by temporary work in our building.....	946
Number of meals given.....	2,986
Number of lodgings given.....	1,495
Assisted with clothing .....	275
Assisted with steady employment .....	39
Assisted by transportation home to friends or employment,	37
Assisted with tools .....	28



## DISCHARGED PRISONERS REGISTERED AT THE OFFICE OF THE PRISON ASSOCIATION.

	FROM STATE PRISONS.				FROM PENITENTIARIES AND REFORMATORIES.				Total.
	Sing Sing.	Auburn.	Clinton.	Other States.	Blackwell's island, New York county.	Other counties.	Elmira reformatory	From detention prisons, city prisons and county jails.	
November.....	4	5	3	4	14	2	53	.....	85
December.....	6	2	1	.....	16	1	24	2	52
January.....	3	1	2	.....	13	1	13	.....	34
February.....	6	1	.....	4	19	.....	59	.....	89
March.....	3	.....	2	1	13	1	30	1	51
April.....	2	.....	3	.....	14	1	23	1	44
May.....	9	2	3	2	12	2	57	4	91
June.....	2	3	.....	2	15	.....	15	.....	37
July.....	1	.....	.....	.....	13	2	34	.....	50
August.....	1	.....	.....	1	13	.....	63	.....	78
September.....	3	.....	1	.....	11	1	30	.....	46
October.....	2	.....	1	2	9	.....	14	.....	28
Totals.....	42	14	16	17	162	11	415	8	685

## Typical Cases Cited.

"It is never too late to mend" seems to be the proper way to commence the description of the following case. Instances of the kind are seldom met with; even by those who devote their entire time to prison matters and the relief of men who have been in prison:

I. L., came to the association for the first time in his life, after having served a two months' sentence in the penitentiary for a small theft, and asked for assistance. His clothing was in rags. He was penniless, foot-sore and hungry, the weather was bitterly cold and he was without a place to sleep. He was treated kindly and encouraged to tell something of his past life. He was born in this city, lost his parents when very young, and grew up in the streets. He served three terms in the State prison and nine terms in the penitentiary, all for stealing, before he came to our office. His wants were supplied and work in the association's building provided for him as a labor test. If there is anything on earth a professional criminal despises it is work, and it was expected that he would either shirk it or refuse, as many do, to touch it, but he took hold manfully and did all that was required of him carefully, unhesitatingly and well. When it is understood that this man of 35 had no home training, no education except such as he received in the House of Refuge to which he was sent when he was 8; never worked at any honest calling for a living outside of a prison, and had spent half his life behind prison bars, his remaining honest is remarkable, yet he says now that he will starve before he will steal again. This radical change was wrought by a few kind words of sympathy and advice. It was some time before work could be found for him, but we secured it finally, and then came another test of his sincerity. His employer paid wages every fortnight only and our man had no money to carry him over the two weeks. We loaned him the necessary cash and on his first pay he returned it as agreed.

B. D., an Italian, applied for assistance in obtaining employment, and as our efforts to help him in that direction were not immediately successful he was temporarily employed in the office.



On his arrival in this country he began selling newspapers, and by industry and honesty established good credit with the people with whom he dealt and accumulated quite a small capital; he then contracted a disease of the eyes, and put himself in the charge of an Italian physician, who charged him well but did him no good; a competent physician soon cured him, but in the meantime his business was gone and through bad advice he had loaned his little capital to a person who refused to pay him and for a long time he was unemployed. So despondent did he become that he tried to commit suicide, but was prevented by a daughter in the family with which he was boarding — she found him in the act of swallowing poison, snatched it from him and exacted a promise that he would never repeat the attempt. He continued to look for work without success; in one society the superintendent offered to lend him \$35 which had just been received from a man who had borrowed it. D. refused the money because he could see no prospect of ever being able to return it. The superintendent was so impressed with this evidence of the man's honesty that he tried unusually hard to get him work, but did not succeed. D. then sold his share of a small property in Italy for \$80, with which he paid his board bill and purchased a revolver, resolving to end his trouble. On returning to the house he was met by the father of the family, who demanded to know what had become of his daughter, for she had failed to return home; he knew nothing of her whereabouts, but volunteered to seek her in the place where she had been employed; there he learned that she had gone away with a man. He then determined to find her to clear himself, and near midnight met her, with this man, who had been described to him, on Fourth avenue. He attempted to take the girl home when the man drew a revolver, and D. having one himself, already prepared for his own purpose, and being reckless of what became of himself, drew his own weapon, fired and wounded the man. He was arrested, convicted of assault and sent to State prison for four years and came to the association.

It was some time before work was forthcoming, but it did come at last, and only recently he called to thank the association, as he expressed it, for having saved his life.

## Detentions.

The work in the Tombs and courts has been carried on as in the past; the innocent have been sought out and relieved when necessary; that is to say, when they are without friends or lawyers. The purpose of the association is to relieve those who actually stand in need of, or ask its help, not to interfere in matters that are being attended to by lawyers or other adequate agencies for bettering the condition of prisoners. On many occasions our agent has been able to be of assistance to Tombs workers and lawyers, but such help is only given when asked for.

First offenders are singled out and their commitment to reformatory institutions secured. Those long detained in prison awaiting trial have their cases brought to the notice of the district attorney or court and speedily disposed of. Much of the agent's time is taken up with cases of this kind.

"Shyster" lawyers still abound in the courts and probably will as long as poverty, crime and misery are in the world. About one prisoner in every five is able to pay a lawyer a very small fee, but this class of lawyers are all after the fee, no matter how small and will give a percentage of it to any policeman, court officer or prison-keeper who will influence the prisoner to employ them. It seems impossible to eradicate this evil entirely, but it is not as bad as it was a few years ago.

The discipline of the city prison (Tombs), under Warden John Fallon, is all that could be desired in a detention prison. Very few prisoners serve sentences in the city prison; most of them are waiting trial for various offenses from intoxication to murder; every day the district prisons empty a mass of criminal humanity into the Tombs and as many more are taken out of it to institutions on the islands, to State prisons and to other penal and reformatory places of confinement.

The sanitary condition of the prison is excellent; strange to say, the older portion of it is much better than the new.

The bridge over Franklin street, connecting the prison with the new courts, does away with the taking prisoners handcuffed through the streets, exposed to the jibes and sneers of



idlers, and reduces the chances of escape to a minimum. The prison pens attached to the courts are not large enough, but this matter has been made the subject of a presentment by the grand jury, and will be rectified in time.

The thanks of the association are due to the judges of the General Sessions Court, to court and prison officers, and to many members of the bar for courtesies shown its agent in his work. The chief clerk of the district attorney and his deputies have been most kind, and we have given and received much help from these public officers.

## fiftieth Anniversary of the Prison Association of New York.

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A conference to celebrate the fiftieth anniversary of the Prison Association of New York was held on February 28, 1895. There were three sessions; two day sessions at the United Charities Building, 105 East Twenty-second street, and an evening session at Chickering Hall.

The morning session was called to order by the corresponding secretary, and in the absence of the president, who was too ill to attend, the Hon. Francis Wayland, dean of Yale College law department, and president of the Connecticut Prison Association, was asked to preside.

Judge Wayland, on taking the chair, asked the Rev. John Wooly, of the Burnham Industrial Farm, to open the conference with prayer.

The secretary announced that there were present delegates as follows:

Rev. J. L. Milligan, representing the National Prison Association of the United States; W. W. Lockwood, representing the Burnham Industrial Farm; Mrs. Ellen C. Johnson, superintendent Reformatory Prison for Women, Sherburne, Mass.; John Wm. Hutchinson, president Philanthropic Union, Society of Friends; Major Robert Stiles, Prison Association of Virginia; C. W. Sewer, M. D., representing State prison, Trenton, N. J.; Rev. George C. Maddock, representing State prison, Trenton, N. J.; W. Sage, warden, representing Sing Sing State prison; Rev. Wm C. S. Weills, chaplain, representing State prison at Sing Sing; K. T. Irvine, physician, representing State prison, Sing Sing; Joseph P. Byers, representing Ohio State Board of Charities; Samuel M. Jackson, representing Charity Organization

Society; Mrs. Almira L. Prindle, representing Florence Mission; George P. Ingersoll; Brother Justin, president Christian Brothers, Manhattan College; Benjamin Ogden Chisolm, representing Prison Association of New York; Alfred E. Moltz, Jr., representing Home Science Association, Brotherhood of St. Andrew, and Christian Working Men's Institute; E. T. Rice, representing State Charities Aid Association; Rev. Robert W. Forsyth, representing Pennsylvania Prison Society; James McKeen, representing Prison Association of New York; Mr. and Mrs. John R. Thomas, representing Prison Association of New York; H. E. Allison, representing Matteawan State Hospital; C. Loring Brace, representing Children's Aid Society; J. Warren Bailly, representing Massachusetts Prison Commission; F. G. Pettigrove, General Superintendent of Prisons, Massachusetts; Joseph F. Scott, Superintendent Massachusetts Reformatory; Alfred H. Love, representing Pennsylvania Prison Society; and K. Tomeoka, representing the Prison Association of Japan; Hon. Francis Wayland, representing Connecticut Prison Association.

There were also present, by invitation, the following persons:

Miss Fanny Hayes, Fremont, Ohio; W. A. Cory, New York; C. V. R. Irving, New York; Dr. Anna Lukens, New York; Rev. John Dooly, Canaan Four Corners, N. Y.; Hon. Chas. P. Daly, New York; Mrs. Anna C. Miller, Newark, N. J.; George C. Graves, Jr., New York; S. R. Martin, New York; Leonie Goelet, New York; Miss Simon, New York; John A. McKim, New York; S. H. Powell, New York; L. M. Ruby, New York; Dr. A. H. Goelet, New York; Miss Mary M. Billings, New York; Rev. John D. Long, Babylon, N. Y.; Jacob H. Schiff, New York; Cecil P. Poole, New York; John T. Trusdel, New York; Mrs. E. G. Underhill, New York; Colonel W. F. Beasley, North Carolina; A. A. Julien, New York; G. D. Julien, Hoboken, N. J.; Alfred L. Griffen, New York; Brother Quintinian, New York; Col. Thos. F. Barr, United States Army; Alex. M. Hadden, New York.

The secretary announced the receipt of a large number of communications and letters from foreign societies and individuals—the reading was waived—but some selections from the letters are appended:



From the Honorable Michael Kazarin, delegate from the prison administration of Russia to the International Prison Congress at Chicago, etc.

ST. PETERSBURG, *January 17, 1895.*

Dear Sir.—I am very sorry your letter arrived during my absence from St. Petersburg, in April, when I was at my country residence. All summer I was traveling in the interior of Russia and only received your letter on my return. Since the first day of my arrival in St. Petersburg until now I have been very much occupied, making two reports which I was obliged to prepare for the Fifth International Penitentiary Congress in Paris in 1895; besides these I have had my ordinary business at the ministry. Your letter brought back to my mind the remembrance of your sympathetic country where I left so many friends.

If I were more at liberty I should like to return to visit America and to study plainly the Elmira system with the assistance of Mr. Brockway, to whom please give my kindest regards.

By next February I shall be able to give an exact report to the St. Petersburg Law Society, about the Elmira Reformatory and its system. I should have done this last year, but I could not manage it with my business.

I thank you for your kindness in speaking to the executive committee of the New York Prison Association with regard to making me a corresponding member. It gives me great pleasure to be able to be of some use to the American students of penology, but I doubt whether I shall be able to help them. Very few Russian authors translate their own works, and were I to send you any of them in Russian, they would be of little or no use in the United States. Of such books recently published in Russian I could, for instance, recommend to you "*La dissertation pour le doctorat en medecine—E. F. Friedmann.*" "*L'analyse du sang des détenus—l'alteration du nombre des globules rouges at blanches et du per cent de hemoglobine;*" that is a very interesting book, in Russian, and I do not know if it will be translated into foreign language.

Russian government reports on prisons are very easy to obtain, but they are in Russian, with the exception of the report



of the general prison administration for the decade of 1879-1889, presented at the Fourth International Congress.

Among Russian governmental publications recently that have appeared and been translated into German, I think you will find valuable for your library: "*Strafgesetzbuch für Russland. Allgemeiner Theil. Erläuterungen Entwurf der Redaktions-Kommission Aus dem Russischen übersetzt—von Dr. X. Gretener.*"

There has also appeared lately (in Russian) a work by our celebrated Professor Taganzeff, "Russian Penal Law," in four volumes. I have heard that this work will be translated into French at Paris next year. As soon as it is ready I shall let you know.

Kindly send me a catalogue of the books in your library. I shall thus be able to see if any of those published in Russia and translated into French or German, up to the present time, are among the list of those in your library. If not it will be very easy to put you in the way of obtaining them.

Please give my kind regards to Mr. Lewis, esteemed president of the Prison Association.

With the compliments of the season, I am,

Very respectfully yours,

(Signed.) MICHAEL KAZARIN.

To Mr. W. M. F. Round, New York.

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BREMEN IN GERMANY,  
BISMARCK ST. 5, February 17, 1895. }

To the Prison Association of New York:

Gentlemen.—In compliance with Mr. Wm. M. F. Round's favor of December 19, 1894, I shall be ready to send you any desirable information about progress of prison science in Germany or Europe, as soon as I shall be informed about the points which might mostly interest you. Presently, it is rather dull; only in Italy there was a great change in the last year, so far as, by special law, anarchists were not longer confined to prison, but transported to the new Erythrean Colony of Italy,

on the shore of the Red Sea in Africa, where about a thousand of them are now repenting, and employed for agricultural purposes.

I. In this State there has been built at last:

1. In the penitentiary of Oslebshausen a special residence for the clergyman next to the prison itself, in order to enable him to attend at any time of day or night to the wishes or wants of prisoners. At the same time there was made in the public budget a liberal allowance for his personal expenses so as to enable him to devote himself exclusively to the penitentiary.

2. In this town of Bremen a new prison for confining people arrested on account of legal procedure next to the rooms of the courts of justice, which is not yet quite finished. As soon as it is completed, it will give me great pleasure to send you a copy of the plans and a description, probably next fall.

II. For a long time new rules for punishments in penitentiaries and prisons have been discussed in the German Board of Justice. When the conclusions are published, I will send you a copy of them.

III. Your kind invitation to attend your meeting on the 28th ens'uant, bestowed upon me an honor for which I thank you greatly, but I am prevented by other engagements from accepting it, to my great regret. Should any one of you come over to this country I beg you to come and see me, as I am always glad to hear or see any of you.

At any time ready to render you any service.

Very truly, your obedient servant,

(Signed.)                      HERMANN ADDAMI, LL. D.

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DAVENPORT HOUSE.

BIRMINGHAM, *January 20, 1855.*

Dear Mr. Round.—I received your communication of December 19th, through my sisters, and have waited to answer it, hoping to be able to collect some information about the con-



duct of young women who are sent to Canada — by our discharged prisoners' aid societies.

First, let me thank you most cordially for the honor your association has done me in inviting me to the anniversary to take place in February. I have been very unwell for the last eight months through overworking myself, and I am ordered to be very careful so that the good hopes of my recovery may be realized. I, therefore, most respectfully decline, but I am none the less grateful for the invitation.

The Discharged Prisoners' Aid Society of Birmingham, to which I belong, have sent several young women to Canada, who were likely to do well there, their fall into crime here being more owing to their having fallen into bad companionship than to their own innate wickedness. You will see that our experiment is fairly successful as the women, having re-entered domestic service, regain a character for honesty and become again trusted servants in time.

Believe me, truly yours,

(Signed.) JOANNA M. HILL.

#### INVERLEITH HOUSE.

HAMPSTEAD, N. W., *January 21, 1895.*

My Dear Mr. Round.—Thank you for your kind and interesting letter which reached us at the New Year.

I wish heartily that I could be present at your conference to celebrate the fiftieth anniversary of the Prison Association of New York—an association which has done, and is doing such excellent work for prison reform.

This subject is one of life interest to me, and I am thankful that I have lived to see so many wise and good reforms carried out in America. Elmira is a bright example to the world.

I shall take a lively interest in the proceedings of the conference, and I sincerely wish its members God-speed.

Yours affectionally,

(Signed.) FREDERICK HILL

## ALBEMARLE CLUB.

LONDON, W., *February 19, 1895.*

Dear Mr. Round.—It has not been possible to avail ourselves of your cordial invitation to attend the fiftieth anniversary meeting of the Prison Association of New York, nor even are we able to contribute, as you do us the honor to suggest, information touching on the subject of prison reform. Circumstances have limited us of late years to other departments of social work, but our sympathy is strong with which the ties of family and of friendship will permit us always to feel ourselves associated.

Your jubilee recalls the interest with which our father received the reports of your valuable association from its very earliest days, and the gratification with which long after he made the personal acquaintance of its venerated secretary.

Most warmly he entered into the conception of an international congress, repeated at intervals for the discussion and advancement of prison reform, which has become a noble monument to its originator, Dr. Wines. Unable though we are to do honor to his memory at your approaching festival, we earnestly hope for the great pleasure and privilege of meeting his surviving fellow-workers at the next congress. Meanwhile, we beg to offer our earnest and most respectful congratulations to yourself and every member of the association for its continued and ever-widening usefulness.

We are, dear Mr. Round,

Faithfully yours,

(Signed.)

ROSAMUND DAVENPORT HILL.

FLORENCE DAVENPORT HILL.

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The following letter was enclosed in the above:

BIRMINGHAM DISCHARGED PRISONERS' AID SOCIETY.

BIRMINGHAM, *January 11, 1895.*

Dear Miss Hill.—In returning Mr. Round's interesting letter, I regret having no suggestions to offer touching prison reform.

[Senate No. 53.]



As regards the *modus operandi* of aid societies abroad on behalf of discharged prisoners, I suppose they are carried on on lines very similar to those in connection with the prisons throughout our own country. We can testify how excellently our society works, and that every incentive is offered to deserving prisoners by way of encouragement and reform, with best results.

I am sending you one of our last annual reports which Mr. Round might care to read.

With kind regards, very sincerely,

(Signed.) M. J. SESSION,  
*Chaplain to the Jail.*

For secretary to the Discharged Prisoners' Aid Society.

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FROM DR. WOLFGANG MITTERMAIER, THE EMINENT  
GERMAN PENOLOGIST.

HEIDELBERG, GERMANY, *February 10, 1895.*

W. M. F. ROUND, Esq., *Corresponding Secretary, Prison Association, New York:*

My Dear Sir.—I have to acknowledge your letter of December 20, 1894, and I do it by sending a paper about the development of our German penology. (The paper will be found further on.) I hope you will be able to use it. It goes to the anniversary meeting of the Prison Association with my best wishes for the future of the institution, which is of so great value to prison science. The paper was looked over by an English lady friend of mine. You may, perhaps, be obliged to correct some faults in its English.

I should be very glad to receive soon a report of the association, which I could make use of for my writings.

I remain with best regards,

Very sincerely yours,

(Signed.) DR. WOLFGANG MITTERMAIER

COPENHAGEN, DENMARK, *January 19, 1895.*

I. F. ROUND, *New York:*

For flattering invitation to take part in the fiftieth anniversary of the association, on the 28th of February, this year, I am very thankful. It will be, however, impossible for me to accept of it, but I am very sorry that the short time your leave gives me to compose a statement for the same meeting prevents me from being able to send such a one what I should have liked to do. By the negligence of the post-office I have not received your letter till the 10th inst.

I feel me honoured by receiving the statement of the same in view.

I am, very sincerely,

(Signed.) FR. STUCKENBERG.

# THE SOCIÉTÉ GÉNÉRALE DES PRISONS DE FRANCE.

PARIS, *January 25, 1895.*

Dear Sir and Colleague.—In response to your letter of the 10th of December, I have the honor to send you a sketch of the history of our society. This communication (to be found among the papers further on) has been edited by one of our vice-presidents, M. Joret-Desclosières, advocate of the Court of Appeals, President of the Society for the Care of Young Prisoners, and Young Men Who are Released from Prison. He has been from the foundation of our society one of its most devoted and valued members.

I send herewith an extract from the minutes of the society. I have the honor to be, with all considerations of respect,

Yours very sincerely,

(Signed.) A. RIVIERE,

*Secrétaire Générale, de la Société.*

Extract from the minutes of the seance of January 7th, 1895, of the executive committee of the Societe Generale des Prisons.



1. The secretary-general communicated to the council the letter of Mr. Round, informing it of the conference of the Prison Association of New York, to be held on the 28th of February.

2. The council, after some deliberation, agreed to send a most cordial greeting expressing sympathy with the grand work of its sister association. Also its regret that it could not be represented on this important scientific occasion by some of its members. It, however, charged its vice-president, M. Joret-Desclosières, to address a communication relative to the penitentiary reforms in which this society has taken part.

3. It offers to its colleagues in America the warmest wishes for the continued prosperity of the society and the further development of its work, and hopes that its members — successors of the late Dr. Wines and his work — will many of them be able to attend the International Prison Congress which will open in Paris in June next. The fifth penitentiary would lack completeness if it lacked the prestige and authority that might be given by the successor of its eminent founder.

(Signed.)

A. RIVIERE,  
*Secrétaire, etc., etc.*

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FROM M. R. BERENGER, VICE-PRESIDENT OF THE SENATE  
(FRANCE), MEMBER OF THE INSTITUTE, ETC.

*To the President of the Prison Association of New York:*

Dear Sir.—I am much ashamed for the delay in replying to your letter. It was mislaid for a time, and only recently been found. I take too much interest in the development of penal science, and have too high a regard for the memory and services of the late Dr. E. C. Wines, to decline the association with his successors, which you offer me in nominating me an honorary corresponding member. I beg leave to accept the nomination and am, with highest considerations of respect,

(Signed.)

R. BERENGER.



FROM M. CALISTO, DIRECTOR OF PRISONS, ECQUADOR.

QUITO, ECQUADOR.

My Dear Sir and Friend.—I hereby thank you for your kind invitation to attend the meeting of penologists, which will take place on the 28th of next month. With great pleasure I would have attended your meeting at the eventful anniversary, but owing to my present occupations, it is not practicable for me to do so, having the sole management of the prisons in this city. Being desirous of making you acquainted with the present state of our penal institutions, I send you the two last numbers of our prospectus, so that you may thereby be able to judge. By them you will perceive that the use of prisoners has diminished 25 per cent. during the last two years. However, I do not believe we have made any remarkable progress as far as morality is concerned. This fact may, in my opinion, be attributed:

First. To prenatal influences, which are an important consideration in criminology.

Second. To the climate, which seems to develop a sort of lassitude, thus rendering the people adverse to any labor which requires energy.

In the interior of the republic the morality is of a higher standard, and, as is quoted by the Union and Times, which paper I received through the courtesy of Mr. Mahony, the present Minister of the United States: "The virtue and merit of the Equatorians may be fully appreciated when traveling through the interior of the country, where the opportunities for crime are so many, and the occurrences so rare." I believe you will publish all concerning the celebration of your anniversary, and so as to facilitate the sending of your report, I take the liberty of enclosing stamps wherewith to mail it.

I am, very respectfully,

(Signed.) J. McCALISTA,

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FROM HON. C. H. REEVE, INDIANA.

PLYMOUTH, IND.

My Dear Sir.—Permit me to thank you, and through you, President Lewis and the committee, for copy of the invitation to

the friends of the New York Prison Association to attend the celebration of the jubilee anniversary on the 28th inst. To be present on that occasion would be a source of pleasure to me in many ways. The occasion, the retrospect, the reminiscences, the general reviews of the important changes that the association has seen and helped to make, the meeting with acquaintances engaged in reform efforts, listening to the facts and logic of such men as Professor Lewis, Professor Wayland, General Brinkerhoff and others, the consciousness of being recognized as one of the workers in efforts to better conditions and tendency to a higher level of moral and civilizing influences, would afford much gratification.

So far as I know, I have been the only "free lance" in the National Prison Association, wholly unconnected with any official position whatever; and the courtesy shown to me at all times, the reception given to my efforts have commanded my gratitude and led me to hope that I may have been in some ways useful. Your invitation viewed from this point comes as an additional compliment; and but for advanced years, ill health, the inclement season and long journey, I should do myself the honor to be present instead of sending regrets.

The pioneer prison associations, like those of Pennsylvania, New York, etc., have been witnesses of great changes in many ways; and that they have held organizations, secured such State and national recognition as makes them great and powerful factors in the evolutions occurring in prison reforms, shows them to have been founded on principle, and to be the progenitors of vital forces of great consequence to individuals, to other organizations, and the State itself.

The many and varied organizations for moral improvement, benevolent aid, and amelioration of evil conditions, have created the friction of opinion which is the real motive power of progress and your own association has borne an important part in leading up to the advanced position now occupied by philanthropy and reform. The State boards of charities and correction, the separation of males and females, juveniles and adults, the establishment of reform schools, male and female reformatories, houses of correction and the many things that obtain now, so



far in advance of the conditions 50 years ago, come in review as you look back and see your association a prominent figure at the beginning like a mansion from which a stream of light shines down the long avenue of improvements, helping to light the way.

May I pass from congratulations and from thoughts of prisons for a moment to the great social sea, into which is constantly flowing innumerable streams of contamination, and from which the conscience and morals are poisoned and deadened in millions; and which prisons, however numerous, as now conducted, are powerless to stop or purify? Those streams are constantly increasing, and they are made up of mental and physical deformities, defections and maladjusted human organism, the results of sexual attractions and indiscriminate marriage licensed by law, regardless of the fitness or unfitness of the parties for the position, responsibilities, obligations and duties, relations and outgrowths of parents or heads of a household. If the sewage of a city is being constantly furnished with an increasing number of inlets to the main sewers, could we, by working at the outlet and trying to check and purify the sewage, then reduce the quantity and character of the increasing flow at the inlets? Can we continue to knowingly breed yearly millions adapted for crime, imbecility, insanity, pauperism, hereditary and incurable diseases, and by prisons and reformatories make them fit for moral society and civil liberty?

As moral and Christian philanthropists, can we remain such if we license the unlimited procreation of such diatheses, and then, by other statutes, task and imprison their possessors when they develop the irresistible laws of their own organisms?

As a board of health, striving to create and maintain sanitary conditions, searches for and removes, neutralizes or diminishes sources of impurity and dangers to health, ought not we to direct our efforts to remove or limit the sources from which the creatures come who fill the prisons and other institutions, as well as to those already here, and to the prisons for them? Could not the end of the next half century see such advancement in public opinion as would sanction and enforce measures



prohibiting marriage and procreation by such as can transmit only crime, demented and incurable diseases, if like efforts should be made to that end as have been made for prison reform in the past half century?

Please give my kind regards to such as may know and inquire after me, and with wishes for the prosperity of all, singly and associately, I am,

Very kindly yours,  
(Signed.) C. H. REEVE.

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FROM REV. LYMAN ABBOTT, D. D.

My Dear Sir.—I am not sure whether I have already written you that I shall be absent from the State on the occasion of the celebration of the fiftieth anniversary of the State Prison Association, and am, therefore, unable to attend the meeting to be held at Chickering Hall. I regret this inability, because I appreciate so heartily the good work which has been done both by the State and the National Association, not only in special prison reforms, but in gradually educating the public mind to perceive that human punishments must be remedial and reformatory to fulfill their proper function, or even to be effectual as punishment. With hearty congratulations on the good work which you have accomplished, and with best wishes for your future, believe me,

Yours sincerely,  
(Signed.) LYMAN ABBOTT.

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FROM REV. W. S. RAINSFORD.

My Dear Mr. Round.—I wish heartily I could accept your kind invitation; but I have two engagements to speak for that evening already, and I can not possibly take a third.

Wishing you all success in your splendid work, believe me to be,

Cordially yours,  
(Signed.) W. S. RAINSFORD.

FROM REV. WENDELL PRIME, D. D.

My Dear Mr. Round.—If I am not present at any of the meetings on Friday it will not be for lack of interest in them and in everything that relates to the work in which we have been engaged for so many years. May it, and you, and all who wish it well, be strengthened by Him who gives the power.

Yours sincerely,

WENDELL PRIME.

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FROM REV. DR. STORRS, OF BROOKLYN.

My Dear Sir.—I shall not be able to attend the services of your fiftieth anniversary next week.

I hope that they will be every way serviceable to the Prison Association, which I have known and honored since it was two years old.

Very truly yours,

R. S. STORRS.

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FROM HON. R. W. McCLAUGHRY — ILLINOIS.

My Dear Sir.—I thank you for an invitation to attend the celebration of the fiftieth anniversary of the organization of the New York Prison Association. If it is at all possible to leave home at that time I will be present. I am sure that the meeting will be most interesting and happy to all who have the privilege of attending.

The association is to be congratulated upon what it has accomplished for the prisons, as well as for humanity in general during the past half century. Every friend of humanity will pray that with increase of years may come to it increase of strength and influence and that it may never grow old in the sense of losing its power for good.

I feel, also, like congratulating the association and the public upon the final outcome of the investigation of Mr. Brockway. It would have been a sad day in the history of prison reform had



the malice of his enemies been permitted to triumph over him, and an exceedingly injurious if not fatal blow would have been struck at reformatory work throughout the country.

With kindest regards, I am, yours, truly,

R. W. McCLAUGHRY.

FROM HON. FRANK B. SANBORN, OF MASSACHUSETTS.

Dear Mr. Round.—It has given me pain to find that I can not accept your invitation to be present at the jubilee of your active and useful society, with whose character and work I became acquainted 30 years ago, while serving as inspector of all other Massachusetts prisons, by virtue of my office as secretary of the Board of State Charities, which then took cognizance of all the correctional establishments of our commonwealth. In that capacity, it was my pleasant duty to receive your eminent predecessor, the late Dr. E. C. Wines, and his associate, the distinguished jurist, Prof. T. W. Dwight, when making the tour of inspection which preceded their report on the condition of prisons and reformatories throughout the northern States. This important work, and the thorough manner in which they performed it, led me to know what the New York Prison Association was, and how much it could do to introduce those much-needed reforms in prison discipline which we have seen slowly brought about. My official position then gave me the means of aiding in some small degree in this task; and, through the courtesy of your association, I soon became acquainted, in a manner, with the then very defective state of New York prisons, which I visited sometimes in company with Dr. Wines. We became fast friends, and were instrumental, together with Mr. Brockway, then, as now, at the head of his profession as prison governor, in bringing together and carrying to a successful issue the National Prison Congress of Cincinnati, in 1870, out of which so much has been developed in the past five and twenty years. In all that time, as for years before, your association has been in the front rank of those who sought, and finally succeeded, to



replace our shiftless, useless and semi-barbarous complexity of prison management (could not be called a system) by a rational, methodical, practical and humane system, such as we now see so well administered at Elmira, Concord, and many other places. Much still remains to be done; but we have seen principles established, and confirmed by practice which can not fail, in the end, to reform the prison management of the whole country—if only the frailties of human nature, and the deviltries of American politics and journalism will permit truth and justice to prevail.

It was especially satisfactory to see that your association last year, when a powerful conscienceless newspaper of your city undertook, by fraudulent testimony and slanderous report, to break down the discipline and ruin the great utility of the Elmira Reformatory, came to the support of what it had done so much to create and maintain, when timid good men and men whose goodness had little evidence except their official position on a board of charities, yielded to the tempest of malicious invective (which those of us long familiar with the press of New York had learned to despise), and even joined in the wicked clamor against the best prison in the land—I noticed, with pleasure, that the members of your association did not stand aloof, or go by on the other side, as when an earlier good Samaritan was busy repairing the work of thieves—but came to the rescue, and at the right time. Long may it live to repeat and extend its good deeds.

Truly yours,

F. B. SANBORN.

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FROM WARDEN THAYER, OF CLINTON PRISON, N. Y.

My Dear Sir.—Replying to your kind invitation to be present at the fiftieth anniversary of the Prison Association of the 28th inst., permit me to say that I regret very much my inability to be present, as just about that time I have that disagreeable duty of electrocution to perform. You can readily imagine how gladly I would exchange that duty for the pleasure of attending

your anniversary. With such able speakers as Messrs. Brinkerhoff, Wayland, Gutthel and Brockway in attendance, I am sure I shall not be missed.

I can not refrain from suggesting the wisdom of the Prison Association taking under consideration the constitutional amendments which prohibit all productive labor in prisons in this State after January 1, 1897, as it is a problem that will require careful consideration. We are all agreed that the prisoners must be employed, as a requisite to mental and physical health. That being the case, let me make this suggestion: Starting with the proposition that the State has the right to utilize the labor of the convict for the benefit of the State, i. e., for the manufacture of anything that the State consumes. I would ask that you consider the propriety of securing legislation in that direction. I would respectfully suggest that a committee of the Legislature take up the question of prison labor, after the Legislature adjourns, and ascertain how much printing, such as letter-heads, envelopes, blanks, etc., is required for all the State departments, armories, and all public institutions maintained in whole or in part by the State appropriations. How much furniture is required for furnishing State buildings, such as armories, normal schools, State departments, insane and charitable institutions. How much clothing is purchased by the State for insane, penal and charitable institutions, uniforming the National Guard, etc. How many brooms and brushes are purchased annually for each of the institutions. How much tinware is used by them. How much bedding; how many dresses, shirts, hats, etc., are annually used. How much hollow-ware, such as pots, kettles, cuspidors, etc., is purchased. It is barely possible that our writing paper and envelopes could be made as well as printed in prison. Certainly all the thousand blank books, ledgers, etc., used annually by the State could be ruled, printed and bound in the prisons. I am not sure that the cloth from which the clothing is made for the insane, convicts and other wards of the State can not be made in prison. Certainly the shoes, stockings and underwear can be, for it is made here now



for all our prisoners. This plan if carried into effect, will afford every convict an opportunity to learn a useful trade.

I have enumerated but few of the many articles consumed by the State that the prisoners could manufacture, and have only sought to open enough to keep all our prisoners at work. I am firmly of the opinion that if the bills audited by the Comptroller are carefully scrutinized, there will be found enough articles purchased annually that can be made in prison to keep every able-bodied convict at work. If this plan is found feasible, by calling the various heads of prison institutions before it, the committee could ascertain just what each prison is adapted for; and your organization could give valuable suggestions.

I would suggest building all prison buildings with convict labor, and, as evidence that it can be done, point to the fact that in 1893, we erected a three-story brick building 200 feet long by 50 wide, entirely with convict labor, and I hazard the assertion that it is the best prison building in the State. I would build all prison buildings absolutely fire-proof, making the iron work in the prisons.

The very first thing the State should do is to build an entirely new prison at Sing Sing, which every one will agree with me who has visited it, is a disgrace to the State of New York. This can all be done with convict labor.

Road-making with convicts can be successfully and economically carried on in the vicinity of this prison, but can not be in populous districts.

In addition to all the sources of work mentioned above, this prison has hundreds of acres of land that could be used for farming purposes and supply not only this institution with certain vegetables but contribute something to the others.

I trust you will pardon me for taking up so much of your valuable time with this hastily written letter, but my interest in the subject must serve as my apology.

Very truly yours,

(Signed.)           WALTER N. THAYER.



## ADDRESSES.

The chairman then called upon the Hon. Charles P. Daly, as "one of the most eminent citizens of New York, one whom I have always looked upon as the incarnation of learning, and especially of geography."

## Address of Hon. Charles P. Daly.

Judge Daly spoke as follows:

Ladies and Gentlemen.—The chairman has announced that I am to read a paper on the origin of the Prison Association. I have prepared no paper, for the reason that all I can say respecting the origin of the institution, may be said orally and briefly. The idea of establishing it occurred first to Hon. John W. Edmonds, who may be said to have been its founder.

Half a century ago he was the circuit judge of the Supreme Court of this district, and in the branch of that court, known as the Oyer and Terminer, had presided at many criminal trials, imposing such sentences as he thought just and necessary. The punishment for the offenses usually tried in that branch was confinement in the State prison, either for the whole period allowed by law, or for lesser period, in the discretion of the court; and it occurred to him that in the exercise of this discretion, he ought to be more fully informed than he was as to the manner in which prisoners were confined, the discipline to which subjected, its effect; and, in fact, in respect to everything relating to their confinement; that he might discriminate more justly in fixing the period of incarceration, and especially in reference to the possibility or probability of the future reformation of the criminals.

With this end in view, he made, during several visits, a very complete examination of the State prison at Sing Sing, and found the existing system—if it could be called—very defective; in fact, so much so, as to require a reformation so extensive he thought it could not be brought about by the efforts, however earnest or active, of any one individual; but required a

permanent body charged with this humane and useful work — a work which could be effected only, in his opinion, after a considerable length of time, by making changes slowly, and, to a certain extent, experimentally, and that, in addition to this, something ought to be done, and could be done, by such a body, to help convicts after they were discharged to get employment, to take an interest in them, to aid them by counsel, advice and in every reasonable way where they wished or manifested a disposition to lead a better life. He thought there could be a permanent use and a wide field for such a body, which 50 years of existence of this institution that we have assembled to-day to celebrate, has confirmed. I became acquainted with Judge Edmonds shortly after he came to this city from Columbia county to practice law. I was at that early period brought into relations with him professionally, and was also associated with him in political and other bodies, out of which grew a close personal intimacy, which lasted to the end of his life. I went on to the bench myself in 1844, the year before the Prison Association was organized, and, as Judge Edmonds and I were very much together, he very naturally communicated his views to me and we had many conversations upon the subject. As he thought upon it, it enlarged upon his mind, and having conversed with several others, who thought well of it, he brought us all together for a general conference, the result being, after several meetings, a unanimous conclusion to establish the society, of which persons Professor Russell — whom, I understand, is too infirm to be here to-day — and myself are the only survivors.

One of these gentlemen was Professor Tellkamp, who was then professor of the German language and literature in Columbia College in this city. He was a learned man who in Germany, had given great attention to the subject of prison discipline, upon which he had written and published articles and monographs, being thoroughly acquainted with all that was then known respecting it, either in Europe or in this country. I was then unmarried, and the professor and myself kept house together, and when I brought him into connection with Judge Edmonds, he entered most warmly into the judge's views, and we expected



great aid and assistance from him, especially in the matter of prison discipline; but shortly after our organization he was recalled to Germany, having been appointed professor of political science in the University of Breslau, and subsequently became, as a member of the Upper House, one of the peers of Prussia.

There was another member of our body whose memory it is most pleasant to me to recall, for in the active exercise of philanthropy, he was the most remarkable man I have ever known. This was Isaac T. Hopper. He was a Quaker, of the branch known as the Hicksites. He came from Philadelphia, I think, as he told me, about 1830, and his whole life was devoted to aiding, helping and doing good to his fellow-men; which was the more remarkable as he was, as I understand a man of but limited means, with a large family. Unlike some philanthropists who are apt to be so engrossed by what so deeply interests them as to neglect everything else, he on the contrary, was as careful of his family, as devoted to it and to the bringing up of his children, as he was to the great work of doing good to others. I said he differed from enthusiasts in the cause of benevolence. Indeed, I might say there was no such thing as enthusiasm about him, for he was one of the most practical, methodical and discriminating men of business, if I might so express it, in the field of philanthropy that I ever saw. Never excited, always calm, always practical. He was a man of strong will, but it was always under the control of those two characteristics, his good sense and sound judgment, so that whatever he did was exactly what should be done in the particular case — nothing more, nothing less.

He was a remarkable man even in appearance. I can see him now — a small, broadly-built man with a fine figure and a face resembling that of Napoleon,\* a coat of the style that existed in the days of William Penn, long and wide, spreading skirts, a standing collar, knee-breeches and buckles, and a low-crowned hat with the broadest rim I have ever seen; a figure that attracted the attention of everyone in the streets as he passed them, bringing his walking-stick firmly to the ground with that vigor that

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\* Ex-King Joseph Bonaparte, who knew Isaac T. Hopper, said that he resembled his brother Napoleon I. more than any one he had ever seen, and that with Napoleon's uniform on he might be mistaken for him, even by the members of Napoleon's own household.



comes from thorough physical health and a most cheerful temperament.

He was at this time in the habit of going nearly every day to the Tombs to inquire into the cases of those arrested for offenses, that he might aid them, if innocent, or render any assistance which the particular case, in his judgment, called for; especially in respect to youthful offenders arrested for the first time, whom he might be instrumental in saving from falling thereafter into a life of crime, a service that next to providing for the physical wants of the necessitous, is about as useful a one as a philanthropist could render.

He was known both to Judge Edmonds and myself, having been frequently before us upon writs of habeas corpus or other judicial proceedings connected with the discharge of the duties of our offices. It occurred to Judge Edmonds that he was just the man that was wanted to aid in the establishment of the institution he contemplated, and it was a most happy selection, for, with the exception of Judge Edmonds, he did more than all the rest of us put together, not only in the organization of the association but in carrying of it afterwards.

The objects we aimed at were first, the improvement of prison discipline; second, the reformation of criminals; and, third, the care of discharged prisoners. The case of the discharged convict at that time, was a sad one. No discharged convict could get work, if known to be such. If he had been a mechanic no American would work in the same shop with him. He was an outcast, for however well disposed he might be, no opportunity was offered him to improve his condition, of which I knew at that time some very striking examples.

We had great difficulty in getting an act of incorporation, which was most essential to the efficiency of such an institution. The general impression of members of the Legislature was that it would interfere with the State's control over prisons and prisoners, and it was solely due to Judge Edmonds and Isaac T. Hopper that we succeeded in getting one, who, for two winters, went frequently to Albany and worked most vigorously for it.

Very soon after the association went into existence, it became apparent that the aid of discharged convicts would be the largest field for its labor and would require the constant attention of one person, and of a very capable one. For this service Isaac T. Hopper (for, if living he would not allow me to call him Mr.) consented to act as the association's agent for an annual salary, named by himself, which was so small it was scarcely sufficient to cover the personal expenses incident to the performance of the duties of such an office. He was remarkably qualified for the kind of labor it involved, for he was a close observer of human character, but with his keen insight there was also combined a sympathetic nature, and from the union of these two qualities, he had a remarkable influence with prisoners and all degraded persons, securing their confidence and inspiring them with an affection for him. He had some other qualities that I may notice. There was a quiet vein of humor running through the whole of his character that was very attractive. He could be, at times, even facetious, and in narrating a story or incident, he had considerable power of imitation. He was an excellent speaker, in fact, a natural orator—not an orator from design or intention, for he was most simple in what he said, but words flowed from him spontaneously and the effect was remarkable, for he would draw tears from an audience in narrating some story, or incident of his experience, and afterwards convulse the same audience with laughter.

Judge Edmonds, for several years, devoted himself most earnestly to the building up of the association. He went very regularly to the prison at Sing Sing, and to the one at Auburn, as did also Isaac T. Hopper, and some others, the result of their joint labors, being a great improvement in prison discipline. I was not able to do much and did but little. Judge Edmonds held but five circuits in the year, so, that, including his duties in the Oyer and Terminer, he had some leisure; but the court to which I belonged, and where I passed 42 years of my life, sat every week-day, except for a short period in the heated months of the summer, and, if disposed, I had not the leisure for the practical work required, which was less necessary as the great



bulk, or nearly all of it, was done by Hopper, who continued to discharge it until he was past 80, which I, at least, may not regard as an age of inactivity, as I shall begin my 80th year next October.

What interested me most was the reformation of discharged convicts, but an instance occurred in our experience that dampened and greatly impaired my confidence of much success in that field of labor, in which it appears, from the report now made the result of the labors of the association for half a century, I was mistaken.

The incident that I refer to was this: There was confined in Sing Sing a woman so intelligent and remarkable that Judge Edmonds, Isaac T. Hopper and some others were deeply interested in her. She had been one of a gang of counterfeiters, and had the reputation of having been one of the most successful persons in the United States in passing off counterfeit money, and having been convicted of this offense, was sentenced to Sing Sing for a long term of years. A wealthy lady, I think from Ohio, who was passing the winter in New York, visited Sing Sing where she saw this woman, and, like others, became greatly interested in her. The lady, who was either single or a widow, told Judge Edmonds that if he could get a pardon for her, she would take her to her home in Ohio as a companion and provide for her for the rest of her life. The Governor granted the pardon upon the judge's application and the lady took her with her to her home in Ohio where she was an example of all that should be required. She had no labor imposed upon her, had a very pleasant life, and was so companionable that the lady became strongly attached to her. But one day, after she had been there about a year, she said to her protectress, "Madam, I have to leave you." The lady asked, "Why?" She said, "No reason whatever; you have been a most devoted friend. I have nothing but affection for you, but I feel an irresistible impulse, and must go back to my old associates and follow the life I have led since my childhood." She departed and a very short time thereafter was convicted for passing counterfeit money and sentenced to the State's prison in Vermont, or one of the eastern



States, and we heard nothing further of her. This disheartened me more than anything else, and all that I did thereafter was to become a life member of the organization, and occasionally attend its meetings.

This being an account of all I have to say as to the origin of the Prison Association, I may, in conclusion, illustrate my own connection with it by a personal anecdote:

A clergyman of my own denomination once gave me a dinner and invited several other clergymen to the dinner, at which he gave my health in these words: "I give you, gentlemen, the health of Judge Daly, the most inattentive member of my congregation." I fear, ladies and gentlemen, that this has been about my relation to the Prison Association, I am one of its oldest and one of its most inattentive members. (Applause.)

The chairman announced that Mr. Lytle, who was to give an address on "The Relation of the Prison Association with other Societies," was just now engaged in professional labor with his care of discharged convicts, which can not be delegated to anybody else, and that Rev. Robert W. Forsyth had kindly consented to represent the Pennsylvania society.

#### Address of Rev. Robert W. Forsyth.

Mr. Robert Forsyth spoke as follows:

Mr. Chairman.—It is both with pleasure and reluctance that I assume the duties that belong to my friend, John J. Lytle. But the pleasure consists very largely in emphasizing his excuse, which has been made. It is a fine illustration of the devotion of the man and the usefulness of the organization from which I bring congratulations to the Prison Association of New York.

There is to be discharged from the Eastern Penitentiary to-day, among others, a helpless and homeless convict, who could not walk a step without aid, who has no friends, and who is not to be entrusted to the care of any inexperienced or uninfluential person. He is cared for by our friend, Mr. Lytle, who will see that he is made the city's charity ward, as he has been a criminal charge heretofore. Will you allow me to say, by way of apology for these remarks, that yesterday, when both Mr. Lytle and

myself were overrun with duties, he asked me to represent him this morning, for which delicate duty there has been no time to prepare.

There should be, first of all—let me say it as briefly as possible, to make way for more experienced men—a more frequent opportunity for the interchange of thought—may we not say confidence—such as obtains this morning, and under the hostessship of this association. We want, too, a larger interchange of printed matter, such as our societies distribute, that we may make a comparison of methods; that we may know who are doing the real work of helping the unfortunates, the objects of our interest; and that we may know more of the results under the rational system developed in recent years. No man who undertakes the duties of a prison visitor or prison worker can afford to do so without knowing something of that fascinating science of “criminal anthropology,” if he would do his work successfully and with the best results. There may be false generalizations, but they are found in all sciences. But to know here the effects of heredity and environment, the physiological and psychological elements in make-up of prisons, we must depend upon a systematic treatment of the parts involved. This can not take the place of common sense, tact, sympathy and practical piety, but it can supplement them wonderfully. This association may safely assume a lasting part in this excellent work.

But the ramifications of Prison Association work are wide. We ought to come into contact with all other benevolent associations, and you may help us with your good examples. With our knowledge of the prisoner, we may be of great service to those who often have to care for his outcast and forlorn children, as well as those who sometimes must relieve his distressed family. And here, too, we may have oftentimes some of those things that have tended to make a criminal out of the average man. In this direction you have a large opportunity for stimulating investigation. Finally, our societies may prove themselves of great use in our relations to each other, and to other associations, in the care of discharged prisoners.



I am asked by Mr. Lytle to emphasize, in particular, the necessity for providing for some fund for transferring prisoners who are discharged at a great distance from their homes. He cites a case in point. Two young men, of whom he could find no clue afterward, were sent to his care recently. They had been discharged in Baltimore, and were on their way to their home in Halifax. He was able to procure them passage to New York and no further, and he and they hoped they might work their way to their destination on some outgoing steamer. In this they failed, and so wrote him very regretfully. Perhaps they knew nothing of the headquarters of the New York Association. Perhaps they felt the diffidence common to men in such circumstances. The fact of their misfortune remains, and should not. This I am asked in particular to emphasize.

Major Robert Stiles, the president of the Virginia Prison Association, then addressed the meeting, representing that association. He said:

"I can not quite thank the friend who trapped me into this position thus early in the fight, but I have to thank him for a great deal of light, help and inspiration in the work which God put upon my soul and into my life some five years ago. And I want also thank the gentleman who has just taken his seat, for turning his full face upon me, and for the gleam of that button which betokens membership in a Christian brotherhood, very dear, I am sure, to both of us.

"I have been wont to pose as a sort of 'expert,' in these matters down in my State; but, of course, can not presume to enlighten such a body as this, as to the principles or the progress of prison associations or of 'prison science.' In this science I am yet at my A, B, C's.

"The relation of prison associations to other philanthropic societies, has been very practically impressed upon us in Virginia. When we took hold of this work there, we experienced a great and manifold difficulty; lack of money; lack of interest, in the public generally, and of cohesion and co-operation amongst those who exhibited interest; and the strange, almost inveterate



Virginia habit of doing just what our fathers did, for no other reason than that our fathers did it, and of not doing what our fathers did not do, for the like satisfactory and all sufficient reason. But, in addition to all these difficulties, the instant we even proposed to undertake something in this line, every department of philanthropic effort conceived to be more or less connected with this, was pressed upon us from every side. We were asked to inaugurate something like the Industrial Christian Alliance of your city—to establish inebriate asylums, and to find homes for friendless children. Indeed, the whole community seemed ready to cast upon our shoulders all its aggregated charities, existing and proposed.

“We declined to stand under this aggregated load. We concluded there was but one thing for us to do; namely, to single out one thing that we could, perhaps, do, and that one thing the most imperatively demanded, and most hopeful. After conference, we decided that the most crying need and the most promising point for effort was, that something be attempted for the rescue and reformation of neglected and criminal boys. This is all we have done or attempted, and I need not assure you that it is a very large ‘all.’ If we had undertaken anything else, if we had not concluded to fill this one ‘little niche,’ we would have done nothing. We have done something; and I am confident it is because we have attempted to do one single thing. Our experience has not been brilliant or triumphant, but it has been encouraging. The greatest difficulty with us has been, not lack of money—though this has been and is bad enough—but, the lack of a few men well-informed and practically experienced about our proposed work, and the lack of cohesion and shoulder to shoulder co-operation amongst the men who have taken hold of it.

“The experience of all communities is the same, as to matters of this philanthropic character—the busy men have it all to do. If there is one thing that I have done in this world, it is to work hard, and, I hope, to work honestly. I have always felt that I could not do justice to this work and also to that to which God

has previously called me; but, for years, I hope I may say, I have done the best I could. I am not now president of this association, but the present president was unable to attend this meeting, and I am here as his representative. I was not doing justice to my clients, or even to my family, in giving up as much time as I did to this work. While president of our prison association, it was not infrequently 1 o'clock in the day, before I ceased holding conferences with the secretary and interviews with fathers and mothers and people who wanted to rid themselves of the care of children, and went about the business of my clients."

Major Stiles then related how, when he had determined that he must retire from the presidency of the Virginia Association, he wrote a series of letters for one of the religious newspapers of Richmond, fully explaining the work, its demands, its difficulties, its inspirations; in the last letter drawing a pen sketch of the man who should succeed him as president; how he had asked a particular friend to read and carefully pray over these letters; how his friend had at first scouted the idea of his entering upon this work, but how God had led him first to contemplate and then to devote himself to it, until the speaker had the pleasure of inducting him into the presidency of the Prison Association of Virginia. Continuing, Major Stiles said:

"He is a man selected by God for this place, and I am satisfied that in a few years hence the Prison Association of Virginia will be able to give a better account of itself. Virginia has no money. She has no contingent fund, from which her Governor can defray the expenses of a gentleman commissioned to attend such a meeting as this. We are going to attend, however, and more and more frequently, I think; and the Virginia Association will not hereafter live an isolated life, but will begin to learn from your experience as well as her own; and will come into closer connection with prison reform work throughout the country, and thus grow in wisdom and efficiency.

"I ought to tell you, in a word, that we are not strictly under the control of the State, but are an association of private gentlemen, chartered by the General Assembly of Virginia, mostly residents of Richmond, and reporting annually to the Assembly.



We already have a farm of something over 100 acres, with fairly good buildings upon it, notably an excellent brick building for a workshop, of sufficient capacity to meet all probable future needs. The boys spend four hours a day in school, four hours at labor upon the farm or in the shop, and four hours at play. With the product of our farm and our shop, and contributions from friends, and an allowance from the State of 25 cents per day per boy, and \$10 per year per boy for clothing, we get along moderately well, largely because our charter contains a provision whereby we are at liberty to decline to take boys even when committed to us by courts and magistrates. May I relate one little incident which will serve to show that we have not worked altogether in vain?

"Some three years ago, our secretary was notified by a police captain that a boy, whom we had agreed to take, was in one of the police stations of the city, and ready to be turned over to us. Upon going to the station to take charge of him, the officer said to him: 'Have you agreed to take this boy, and do you know what you have done?' 'Yes,' said I; 'we have agreed to take him, captain, but, perhaps, we do not realize what we have done. What have we done? Tell us.' The officer replied: 'He is the only human being I ever saw who seems to be without a single redeeming trait.' As he spoke, he threw back an iron door, and there was the boy, in the further corner of a dark and repellant cell. He was sitting on the floor, with his back braced against the corner of the apartment and his hands locked around his knees. If ever I saw a face indicating that the devil had entire possession of a human soul, that face was before me. His person was filthy, was covered with vermin, and the gleam of his eyes, as he raised them for an instant, was at once furtive and malignant. Turning away from the door, the captain proceeded: 'I wish to tell you that I hope I am a Christian man, yet, if I could catch that boy in a dark alley and was certain the act would never be discovered, I am not certain but I would throttle and bury him. He is beyond salvation himself, and he is doing more harm than any person of his age I ever knew.' While I was administering a serious but friendly rebuke to the cap-



tain, for his bitter and violent utterance, a policeman came up and added: 'All the captain has said of him is true, but 'taint the boy's fault. His mother is hell on wheels.'

"I had never before heard this expression, and am confident that you never have, but it suggested that the boy might very naturally be a rapid sort of a devil; and I own that, after seeing his mother, I am not especially inclined to dissent from the policeman's characterization of her. And yet, that woman talked to me for 10 solid minutes or more about the care she had taken of her three boys, and the good principles she had instilled into them.

"Now, my friends, when I think of the father and mother God gave me, when I recall how I was made to feel that falsehood was a chasm I could not possibly cross—that truth and purity were elemental obligations I could not violate without bursting the very organization of my being, and then turn my thought again to the mother that bore that boy and the interview she had with me, in which she made those astounding utterances without a blush, knowing full well, and knowing that I knew, the utter falsity of all that she was saying, I heartily concur with the policeman's judgment, 'taint the boy's fault.'

"We did take that boy, and for months, yes, for a year afterwards, we did have just such a time as the captain predicted. At last the superintendent sent for me, and said: 'This boy violates every rule of the institution and demoralizes every boy in it. What shall I do?' I replied, in the presence of the boy himself: 'Our charter gives me full power to act in such a case as this. If this boy will not obey willingly the rules, if he will not let us help him to a better life, he shall at least not violently disobey. I will send you up a pair of shackles for his legs. Put them on by my order and keep them there until he is ready to obey.' We kept him shackled for weeks and one of the most repulsive sights I ever saw was that boy ironed, hobbling in line with other boys whose limbs were free.

"Some months later while at the reformatory one evening listening to the boys singing, this boy came in with a glass of water for the young lady who was playing the organ, and as he extended the water toward her, I saw the first gleam of uplift and

uplook in him. His expression was pure, his manner was deferential, and had a touch almost of sweetness in it, as he handed the water to the lady. This was the first time I ever had hope for him. The fight was not over, but thank God it had been transferred to the inside of his being; and when you once transfer the fight between good and evil to the soul of the boy, when his nature becomes the conscious field of struggle between God and the devil, then my friends there is hope—there is hope.

"A few Sunday mornings ago, as I was hurrying to my Bible class, an electric car whizzed by me, and a handsome, spirited fine-looking young fellow—broad-chested, high-headed, clear-eyed—the conductor of the car, stepped out on the rear platform, and, with a wave of his hand, shouted cheerily, 'Hello, Major.'"

"It was my boy. I have never in my life seen such a contrast between my first and last view of any human being. I thanked God and took courage, and felt, as I feel now, that if, once in a while He will vouchsafe to us such a result as this, we can feel that our labor is not in vain."

The Chairman.—The next feature of the program is the one on which I am to speak, i. e., "The Relation of the Prison Associations to the State." It is a subject which I am very glad to talk about for various reasons, and the first is this: There is almost infinite diversity of opinion as to the modes of prison discipline, methods of confinement, character of prison labor, sanitary regulations, etc. One man believes in an indeterminate sentence. One man believes in separate confinement, alleged, and another man believes in separate confinement positive. And different systems prevail in different States, and in different parts of the same State. But every intelligent, humane man believes in the care, to some extent, of the discharged convict, and for very obvious reasons. To-day, we say that the object of imprisonment—we did not say so 25 years ago—is to protect society by confining and reclaiming the criminal. But the critical period in the life of every criminal is not when he is tried or convicted or imprisoned; it is when he comes out from



the prison walls. His reformation—his external reformation—in the prison is compulsory. He eats, he sleeps, he works when and how the prison authorities compel him to do. It may be there has been a genuine reformation. It is more probable that there has been a superficial amendment, without standing the test of time; without the direct evil example of evil associates. What I understand by the Prison Association—what I understand in my State—is the care of discharged convicts from the prison. It should reach to the jail as well, but it rarely does, because that requires county organizations. This is the position of peculiar difficulty and delicacy. Its relation to the State is the interest of the State in having its citizens law-abiding, respectable, self-supporting. That is the sole interest the State has. There are here two or three things that ought to be said. The importance, the magnitude of the subject can not be exaggerated. But that is talking in general terms. To come down to details, its success depends, more than any other organization with which I have any acquaintance, on the man in charge. You may have plenty of money; you may have the best constitution that can be drawn up; you may have the best methods on paper; but if you have not exactly the right man in charge as the executive officer, your scheme will be a comparative failure.

Judge Daly has told you about Mr. Hopper. He was an ideal man and he did an ideal work. And here—before I forget it—let me say that, in my judgment, the best way to promote and secure the success of the different associations is not by meetings like this, where we do a little talking, than “A” remembers and “B” forgets, and “C” remembers perfectly and “D” gets all wrong. A conference between the agents of prison associations in private, comparing notes, comparing methods, comparing results, as to what you want, without a single person being present, except the agents in charge, because the relations of the discharged convict to the community are, for various reasons, exceptional. It is, to-day, a disputed question whether, when you secure a place for a discharged convict, it is, or is not, your duty to tell the employer what his past life has been. There



is a great deal to be said on both sides of the question. That is a matter for the agents directly and exclusively interested to discuss between themselves. Again, the appointment of such a man should not be by the State, because, though the first one or two appointments might be fairly good, still, if such a man were paid properly for his services, for his knowledge, for his experience, it would be a place which the people would seek who are not fitted for it, who have no possible qualification for it, except a "pull." Therefore, what the State has done, and done successfully is this: It should make an adequate appropriation. Private beneficence should be stimulated to add to it, and then it should be under the management entirely of a volunteer association. There should be a visiting committee to go to the prisons at regular times, when anybody is to come out, once a month, if you choose of competent men. Of course, they would render their services gratuitously; and then in connection with the chaplain and the warden, find out what prisoner should be helped. Then a smaller committee, under the guidance of the agent, should decide to what extent this help should be given, and how. It needs a man of peculiar gifts. The ideal man is the man who has himself been in prison.

Delegate.—A small committee should decide to what extent the men should be helped.

The Chairman.—If you have an efficient visiting committee you do not need a smaller committee.

As I have said, the ideal man is the man who has been in prison himself, but who has earned the right to stand side by side with the best citizens in the land; who knows the feelings, weaknesses, temptations and ailments of convicts, who can, in a word, enter into all their feelings. And it does not do any harm if they know he has once been within prison walls. They dislike, more than anything else, to be talked down to, because they feel that everybody looks at them with suspicion, that if they go out every policeman has his eye on them. Out of that mood they can be rescued; but not by general goody-goody talk. They see through that in a moment, because a great many of them are very shrewd. They have their own standard of right and wrong

and it needs experience to detect just what they are and how much they mean. Let me illustrate: One day, when I was at our prison, I found that a very famous bank-robber, whose name I won't give, was just about to be released. He was a man of intelligence, he had conducted himself with perfect obedience, and had earned all his time allowance. I said to him, after a little talk, calling him by name, "You have been here now 15 years; I want you to tell me whether you are conscious of any improvement in your character and reformation whatever? You are an intelligent man, and there is no reason why you should not tell me the truth. You know, of course, that my motives in asking you are good." He thought a moment, and said, "Yes; there is one thing. I don't know whether you know that the rules of our craft bind our pals who have not been caught and imprisoned to support our families while we are in prison. Now," said he, "my wife—I had no children—my wife was allowed to starve, while my particular pal was perfectly able to keep her alive. She literally died of starvation, and," said he, "I swore when I came out I would kill him the first thing I did. He deserves to be killed, and I was the person to kill him. But, I have changed my mind. I will let the —— scoundrel live. Now," said he, "if that is reformation, that is just the extent I have reformed," and I have no doubt he meant it. It requires me to dwell on this a moment, for I think it is worth attention—it requires infinite tact, shrewdness and practice to detect just where any ray of light has entered the heart of a convict. The thing is abundantly worth doing. I asked a bank robber once—a man of 25 years experience in that business—one question about house burglarly. He said, "I don't know much about that, I have been in the bank business; I can tell you about banks." He said, "Of all the men," detailing the business of some bank robbers, "in all my experience in 25 years, only two men have kept the money they have earned. One lives in Germany. Their money goes to demoralize people who are already on the highway to ruin."

It seems to me the State must take this matter in charge. Our State used to give \$10 to every man who came out, and on an average they did not retain the money 10 hours. Their form of



recreation after receiving the money was to go to Hartford and bring persons, usually respectable persons, to see the place where they had been confined so long. I do not think that we want any legislation about this, we do not want much talk about it in public. It is a matter, in proper hands, for private management, and as I say, conferences about it should be not only between experts, but between practical experts, men engaged in the business. I shall be very glad to answer any questions. I would say one more thing; it is of the utmost importance to be able to announce truthfully that no man who is discharged from the prison need go back to his old associates. To make that pledge and keep it—we do make that pledge and we do keep it—and you must establish with the people who receive your employes the reputation of telling the truth about the men you send them, so they can send and say: "Have you a man for such and such a place? Can you send such a man?"

A Delegate.—I would like to ask what proportion of the men are willing to take employment—you can not get it for them at their old homes—what proportion are willing to break up their old associations and take employment? We have found great difficulty about that."

The Chairman.—About 75 per cent. request aid. Of course, there are, you know very well, men who are deceivers. Even the agent of the Prison Association, with all his experience, is not absolutely infallible in his judgment.

A Delegate.—Do I understand you to say that you would refuse State aid?

The Chairman.—Not at all; welcome it; but I do not want the State to have anything to do with it beyond giving the money. I do not want the State to make appointment. In other words, I do not want the convict to feel that the State which has convicted him is represented by an agent in dealing with him after his discharge. It is a great deal better that it should be understood to be in the hands of a volunteer society. The man who has been convicted, as a rule, does not entertain any frantic attachment for the authorities.

Delegate.—In Connecticut, while a man is in prison, does the Prison Society aid the man's family?



The Chairman.—No; we never do. We have never been applied to for that; there has been no distinct application. I think it ought to be done, but I think it ought to be done in this way; I think that a certain share of the prisoner's earnings while in prison should go to his family. I do not think there is the slightest doubt about this. It encourages him to feel that he is helping his family. There is a sense of injustice in unremunerated labor.

Secretary.—I would like to ask Colonel Sage if that is not done in Sing Sing?

Colonel Sage.—It is, on the application of the prisoner himself.

The Secretary.—Is it pretty general?

Colonel Sage.—Very often, indeed.

A Delegate.—I think at least \$15,000 in Virginia has gone that way the last two or three years to the families of prisoners, put to the credit of the men, but we do not send it to the family unless requested.

The Chairman.—We could do it this way; a certain time is allowed to the prisoner for the manufacture of little articles, and about Christmas time, the large rotunda of the prison is fitted up with the articles they have made, and these are sold and bring quite a sum.

A Delegate.—Do you ever demand an itemized statement and account of the moneys spent, so much for so much?

The Chairman.—Yes; that is for the auditors; it is all laid before the State Auditors, with all the vouchers.

Mr. D. E. Kimball then read a paper on the "Relief Work of the Prison Association."

#### THE RELIEF WORK OF THE PRISON ASSOCIATION.

In December, 1844, the following notice appeared in the papers of this city:

##### *To the Public:*

The undersigned has been directed by the board of inspectors of the State prison at Sing Sing to invite the attention of the benevolent to the destitute condition of discharged convicts.

It is of frequent occurrence that the prisoners afford satisfactory evidence of sincere repentance and earnest desires to

reform; yet, when they go forth into the world, they are often, for want of employment, reduced to great distress, and subjected to sore temptations. To starve or steal is too often the only alternative presented to them.

The powers of the inspectors to afford relief in such cases is confined by law to the mere pittance of \$3 to each person.

But, believing that very many can be saved from a return to their former evil practices by timely aid, that not a few can be retained in the path of reform by encouragement and support judiciously applied, the inspectors have directed me to appeal to the benevolent in this city to render their aid by forming a society similar to those which now exist in many parts of Europe, whose object shall be to find employment for those who shall give evidence of repentance and reformation.

JOHN W. EDMONDS,

*President Board of Inspectors.*

This notice led to a public meeting and the organization of the Prison Association of New York, and from the tenor of Judge Edmonds' remarks, it will be seen that the relief of discharged prisoners was all he had in mind at the time. The greater work grew out of this small beginning. The objects of the association, as defined in the act of incorporation, are:

First. The amelioration of the condition of prisoners, whether detained for trial or finally convicted, or as witnesses.

Second. The improvement of prison discipline and the government of prisons, whether for cities, counties or States.

Third. The support and encouragement of reformed convicts after their discharge, by affording them the means of obtaining an honest livelihood, and sustaining them in their efforts at reform.

The agent of the association represents two subcommittees of the executive committee, committee on detentions and committee on discharged convicts. The following will serve to illustrate the detention work:



In recent years our work in other directions has increased to such an extent that the Tombs is the only city prison visited with regularity, and in the corridor of that prison the association has a letter-box for notes from prisoners desiring the assistance of the agent. Usually such notes are appeals for the association's assistance in obtaining speedy trials, and always receive prompt attention.

Others are requests for the association to secure lawyers for prisoners without funds to retain proper counsel. In a case of this nature, the prisoner is sought out, made to tell his story, and if the circumstances of the case are such as to warrant it, a lawyer is requested to represent him. Such services are always rendered most willingly by many counselors at the request of the association's agent.

If it is found that a prisoner has been waiting for trial more than two months, and the prisoner desires such action, the agent calls on the district attorney to dispose of the case. Such requests are generally complied with most cheerfully. It frequently happens that when two men are arrested together for the same crime, one has friends, gets out on bail, and wants the trial day put off as long as possible; the other fellow in prison, without friends or money, must, meanwhile, remain in confinement. Matters of this kind are often attended to.

Formerly the agent had considerable trouble with prison keepers over the separation of young and old offenders, the felons and misdemeanants—a most important matter; but it is pleasant to be able to say that, so far as the Tombs is concerned, this difficulty has been overcome. The warden and his keepers attend carefully to the business without suggestion or help from outsiders.

First offenders are always sought out and the circumstances that led to the crimes inquired about; in some instances where such course seems wise, suspension of sentence is recommended, and, so far as your prison agent has been engaged in the work, the General Sessions judges have never refused to grant recommendations of this nature. Hundreds of first offenders have been sent to reformatories at the association's request.



Very many cases to which our attention is called are dropped as unworthy of the attention of an association that exists for helping the worthy only.

As might be supposed, many attempts to impose upon us are made from time to time, and great care must be exercised at all times to act on proper cases, only after careful and thorough investigation. One mistake might cost the agent the confidence of the judges and undo the good work of years.

The schemes of the "shyster" lawyers have taken up much of the agents' time, and, although the evil is far from being extinct, it does not exist as it once did.

In the 50 years of the association's existence the agents have visited 121,828 prisoners and had some conversation with them in relation to their crimes, have helped them or counseled them; 30,583 complaints have been examined and investigated; 6,846 complaints have been dismissed on the agents' recommendations; 9,197 prisoners have been discharged by the courts.

### Discharged Convicts.

This department of the association's work appeals more strongly, perhaps, to the general public than that of any other branch of our efforts.

The discharged prisoner is spurned on every side if he represents himself as such; yet, what is he to do for a living? No money; too often no friends, and always no character. Even if it so happens that he has not been convicted of dishonesty, the prison taint attaches itself to him; he has been in prison—that is enough for society. He is ignominiously cast out, tabooed for good and all. If he goes to a part of the country where he is not known, references are needed to secure a foothold, and he has none. Sending ex-criminals out of the city is not the best way of disposing of them, by any means. They can not be treated collectively, or as a distinct class, with any hope of success. Of course, certain rules are necessary in the office of an association like this, but the applicants for its bounty must be treated according to their individual needs and dispositions. The main object with us in helping discharged prisoners is to

have them lose their identity, as such, in the shortest possible time, and when a man is really in earnest his efforts meet with success, sooner or later.

It may seem strange to those who have never given the subject much thought, but there are men in this city to-day posing as ex-convicts who have never seen the inside of a prison. They know that the friendlessness of such men provokes much sympathy, and they take advantage of this knowledge. They frequently come to the association for help, but are detected immediately by means of our records, lists of names, which we receive every month from various prisons, and through questions as to prison life, commutation of time for good behavior, etc.

Up to the year 1877, the association received an annual appropriation from the Legislature and assisted many more discharged prisoners than it does now; in a word, it acted as the disbursing agent for the State. The State Agency for Discharged Convicts was established and remains the same to-day. The State agent helps prisoners from State prisons only, those sent to penitentiaries come to this association, and are given preference over State prison men, because the State prisoner gets, when he come from prison:

- (1.) A suit of new clothing.
- (2.) A railroad ticket to place of conviction.
- (3.) An allowance from the State agent.
- (4.) Money earned by overwork.
- (5.) Ten dollars in money.

And the prisoner from the penitentiary gets:

No clothing, but those he wore on entering the prison.

No railroad ticket, nor an equivalent in cash.

No money, not even a discharge certificate, which might come in conveniently to beg with.

The hard and fast rule in the Prison Association is "nothing without labor;" every applicant is required to do something in the way of work for everything given him. This has an excellent effect; undeserving men seldom call a second time. They are employed in cleaning the building, painting, printing, shoveling coal, chopping wood, caring for the small garden which



we have in the yard, in reading papers in the press clipping bureau which we have established, in folding, addressing and delivering circulars, as messengers, and in other ways. If we have no work, we make it to suit the needs of the particular applicant; shoveling coal that need not be shoveled; cleaning a floor that is perfectly clean, etc. The printing press and type, which is a gift of a member of the executive committee, does nearly all the printing for the association.

Clothing, tools and transportation are earned by the men in the same way; great care is taken to prevent an improper use of these gifts of the association; clothing and tools can be pawned, and railroad tickets sold to scalpers. No tools are furnished till investigation shows that work has been secured, and when men are sent out of town a clerk accompanies them to the boat or train and sees them safely off.

Since the organization of the association, there have been registered at its office 30,098 discharged prisoners, and 7,631 of them have secured work through its efforts.

Taking the department of detention and discharged convicts together, this makes a total of 158,956 prisoners assisted in 50 years, an average of 3,000 per year, and yet there are probably nearly as many more of whom no record has been kept. This is the work of the general agency alone. No record has ever been kept of similar work done by corresponding secretaries when inspecting the county jails of the State, where many men are found worthy of help, and help is given them.

The work, at its best, is hard and discouraging; frequently the most promising cases turn out badly, and an agent is likely to become discouraged when he sees how much rascality there is in the world; but one good case will encourage him wonderfully, and even if he saves but few men, he can rest contented; he is well repaid. No one can estimate the value of even one man saved. Jerry McAnley and Michael Dunn were only two men, but their names will always be gratefully treasured in the minds of thousands of redeemed unfortunates saved through their efforts. Both of these men were beneficiaries of the Prison Association of New York. (Applause.)



The secretary announced, in reply to a question, that all the papers would be printed.

The subject, "The Collateral Work of the Prison Association," was then taken up. Mr. W. M. F. Round, the secretary, spoke on the first subdivision, "The State Reformatory," as follows:

#### COLLATERAL WORK OF THE PRISON ASSOCIATION.

##### The State Reformatory.

Long prior to the year 1877, when the law creating the State Reformatory was passed, the Prison Association of New York had discussed the indeterminate sentence principle with great care and given to it its most hearty approval. It used all its influence and all the resources at its command to secure the passage of the bill. It had no reason to regret its course. Of the 4,700 prisoners released on parole from the Elmira Reformatory, 2,310 have been paroled to the care of this office. Nowhere else are the results accruing from the system better known. The association has viewed with apprehension the attack made upon the reformatory by one of the papers of the State and has great satisfaction in the vindication of the institution by a competent commission of the Legislature. The relations sustained to the reformatory by this association can be no better expressed than in reproducing a letter written by its president, Mr. Charlton T. Lewis, to the president of the State Board of Charities at the time of the investigation made by that most honorable body.

PRISON ASSOCIATION OF NEW YORK, *December 11, 1893.*

To the Hon. OSCAR CRAIG, *Chairman State Board of Charities, at the State Reformatory:*

Gentlemen.—Accept my thanks for your cordial invitation to the president of the Prison Association to attend your sessions, beginning December 12th, at Elmira. We deeply regret that engagements here make such attendance impracticable on the first day, and probably at any time this week. We, however, embrace the opportunity your courtesy offers, to express to you the estimate this association has formed of the State Reformatory and its management, and our reason for requesting a pri-

vate session of your committee in the city of New York, to hear evidence in the pending investigation.

The reformatory was built and founded by authority of chapter 472, Laws of 1870, passed at the suggestion and request of leading students of penal law connected with this association. During the following year, while it was building, the subject of its management and discipline was fully discussed in the association, and the principles on which such an institution should be conducted were carefully studied and formalized, many recognized authorities in such matters taking part in the discussions; among whom we may name Professor Theodore W. Dwight, for many years our president; Messrs. Charles J. Folger, Richard L. Dugdale, Sinclair Tousey, William P. Letchworth, Lucius Robinson, and the Rev. Samuel Osgood. These and other competent students of the subject agreed that our penal system was sadly defective in opportunities and influence for the reform and education of young offenders; and that individual treatment of the prisoners, with release on parole as a reward of fitness and a test of character, under sentences made indeterminate within the maximum limits prescribed for the offenses proved, must be leading features in the improved system. These principles, among others, were embodied in a bill drafted by a committee of the association, of which Professor Dwight was chairman. It was approved by the executive committee, was substantially enacted by the Legislature as chapter 173 of the Laws of 1877, and in all its main features remains the law governing the reformatory at Elmira.

From the opening of the institution, its discipline and growth, its methods and results, successes and failures, have been the objects of closest scrutiny by this association. Regarding it in its general plan, as the best expression which has been attained by the new principle, that confinement should be made improving instead of corrupting, to the minds and characters of offenders, we have clearly seen that this result can only be reached by exceptional wisdom and integrity in administration. We have also believed that the system adopted is to some extent experimental, and that important improvements in its details may be



expected from the careful study of its workings. For these reasons, as well as because of the association's connection with its origin, we have watched with the deepest interest the entire history of the reformatory, and have applied to every part of it the best criticism we could command. Agents of this association have received the regular reports of prisoners paroled by the managers, and have thus been brought into personal relations with hundreds of men who have been subject to the discipline of the reformatory. For many years the late Stephen Cutter, our general agent, was the local agent also in New York of the reformatory. His conscientiousness and caution, his humanity, and devotion to the unfortunate, and his zeal in elevating the fallen are the praise of all who knew him. His reports to us founded upon a careful study of each individual case, satisfied this association of the vast importance and beneficial results of the system practiced in the reformatory as a whole. Since his death, the office of the association has continued to collect the reports of the paroled men, while Mr. Samuel Booth, ex-mayor of Brooklyn, has co-operated with the association in keeping a similar record in Brooklyn. This association has rarely had less than 100 such paroled men at any time under its care. By its agent, it watches over them, knows their homes, haunts and occupations, gives them counsel and guidance, and in some cases employment and is able to speak with assurance of the general results, as shown by their character, intelligence and lives, of the discipline of the reformatory. We do not hesitate to assert, as a fact within our knowledge, that this accumulated evidence of the experience of 16 years, proves the institution, under its present management, to be one of the noblest and most efficient agencies for good which have as yet been created by any government. It has received thousands of young men, who were entering a criminal career, has trained them to self-reliant independence, and honest industry, has broadened their minds and their sympathies, has reclaimed them to society and given them back as useful citizens instead of enemies to the community.

The methods by which this magnificent result has been reached are worthy of special notice. They have been carefully studied by this association, several of whose officers have been



frequent visitors to the reformatory, and have spent many days in observing all sides of its life and activity. In this interesting pursuit, they have always had free access, not only to its officers and teachers, its schoolrooms and workshops, but also to its cells and to their inmates. The organization and control, the rewards and punishments, the daily tasks, with their commercial and educational value, the methods employed for awakening and stimulating conscience, intellect and self-respect, have been constantly subjected to criticism, in comparison with other institutions of the same class, and all these subjects have been discussed by us with the superintendent and his assistants, as well as among ourselves. There have been differences of opinion in debates, there have been occasional complaints of severity and of unfairness, but throughout the history of the institution we have always found the superintendent foremost in his readiness to accept suggestions and adopt improvements, and in his zeal to detect and set right every wrong. His administration has been free alike from cruelty and from sentimental weakness. His patient and persistent efforts to repress disorder and vice, to arouse and encourage self-control in the wayward, to elevate the weak intellect, praise to the unbalanced will, to substitute thoughtfulness and manliness for the low and petty inward life of the criminal, and to furnish every inmate with such resources in knowledge and skill that his own interest in future life will lead him to throw all unlawful modes of seeking gain, has won our constant admiration. That the success of the reformatory has been too largely the success of his controlling personality, has inspired every part of its work, and that it is too dependent upon his individual character and labor, is an obvious criticism, which has often been forced upon us, but it does not lie in the line of the charges which have been made to you against him.

To-day the books of the Prison Association bear the record of hundreds of men, once guilty of crime and imprisoned in the reformatory, who have come forth to occupy positions of honor and profit. Many are fathers of families, some have attained wealth, nearly

all have persisted in honest industry. There is no remarkable doubt that the great majority of them must have been degraded in character, and many would have become habitual criminals, had they been subjected to the system of imprisonment which prevailed before the reformatory was established. Many of them acknowledge their debt of gratitude to the institution and its superintendent, but we are naturally reluctant to go upon the witness stand, where they would proclaim to their present associates and to the world their shameful past. Some of them have told us within the few days that, rather than be thus exposed, they would abandon their present homes and leave the State. The kind and considerate assurance given in your letter of December 5th, that the examinations of such ex-inmates will be so conducted as not to prejudice them, and that their names may be given to the committee in waiting, to be held in confidence, does not appear to us to insure them the protection they need; to expose them to inspections and cross-examinations by a prosecution which seems eager only to destroy and injure the reformatory, and to be unscrupulous in the animosity toward all who value it, would unmistakeably lead to an expense which might be serious. A large number of these men, some of whom have been solicited to join in the attack on the institution, have firmly refused, from a sense of duty, stand ready to give you or to us, in private, valuable information from their own experiences, but we can not ask them to risk their own prospects in life for the purpose of confirming, in detail, the general facts we have here outlined. Should your committee see fit to hold a private session in New York, we are confident that much important testimony of this class will be presented.

Permit us to express our gratification that the investigation of this great institution has been placed in the hands of gentlemen so competent to explain its value, as well as its imperfectness, to the Legislature and the people of the State, and our high appreciation of your courtesy in inviting this communication.

With high regards,

THE PRISON ASSOCIATION OF NEW YORK.



### The Burnham Industrial Farm.

\*The Burnham Industrial Farm was discussed by Rev. Henry Evertson Cobb. The Burnham Industrial Farm was, from its incipency, fostered by the Prison Association. The president of the Prison Association and the corresponding secretary were on its first board of managers. An arrangement between the two corporations led to the employment of the entire clerical force of the Prison Association to promote the work of the farm, and gave to it as much of the time of the corresponding secretary of the Prison Association as was necessary to promote its interests. The corresponding secretary of the Prison Association occupied the position of actual resident director of the Burnham Industrial Farm from 1890 to 1893, inclusive, raised its census from 16 to 86, and became the solicitor for a large portion of the funds that supported the institution. Reports as to its progress were regularly made to the association, and the Prison Association's reports to the Legislature made mention of the connection between the two societies. For this reason, it has been thought wise to give some account of this work for the saving of boys.

The Rev. Henry Evertson Cobb, who was familiar with this work from the beginning, while in a pastorate at West Troy, was asked to speak on the farm and its work. He spoke as follows:

Mr. Cobb.—I crave a like indulgence to that accorded to Mr. Round, not only because there is so little time left and so much to be said in it, but because I suppose you all know of Burnham Farm, and will get from the annual report better information as to its present condition than I can give you. My connection with the Burnham Industrial Farm has never been an official one. It is simply this: I sent there the worst boy, the most unpromising inmate the Farm ever had. He was the worst boy in West Troy and he gloried in the reputation. I never knew a young fellow who had more promising vicious

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\* Introduction to Mr. Cobb's remarks written by the secretary of the Prison Association.



qualities. I remember my first acquaintance with the boy. He had been out skating on the ice in the river and had broken through. A big crowd had hurried to the spot and no one knew just what to do. Everybody expected the boy to drown. He hung on to a cake of ice with one hand, and cursed the people on the bank because they did hurry with a rope. He swore even more generously after he had been got out, because one of his skates had been lost in the water. This boy was utterly uncontrollable and wayward. Fortunately, his mother's consent was secured that he should be sent to the Burnham Industrial Farm. I visited the Farm six months later. The first boy that I saw as I came into the limits of the Farm was this boy, Parker Wilkes, superintending a number of boys in their work—changed—the vice almost eliminated from his face, and grown stout and strong. I saw him once again at the Burnham Farm. The next time I saw him—two years later—he was in his coffin; he was killed by an accident. In this time he had been completely transformed. He was respected and loved by the boys at the Farm. When his body was brought to his home in West Troy for burial, those who had known him of old could hardly believe in the identity of the manly figure with a sweet, peaceful face, with that of the boy of old. A memorial window in the chapel at Burnham Farm is the joint gift of a Sunday School in West Troy and of his comrades and friends at the Farm; it indicates the impression which this transformation of character made upon his early associates. I know a mother in the same village, who, by dint of saving and scrimping, and denying herself almost the necessities of life, was able to rescue one of her boys from the evil influences with which he was surrounded at home, and send him to Burnham Farm. So pronounced was the good influence of the Farm upon him that this mother sacrificed every bit of her remaining time, dressed almost like a beggar, and worked her fingers to the bone, in order that she might send the other boy there. The last I heard of these boys they were doing well. I suppose they have graduated.

One of the most pathetic appeals that has come to me since is the demand of parents for the same kind of an institution for boys of 16 and older. I have seen and felt the need of such an institution for older boys — boys who are not criminals, but who are fast drifting through evil companionship into the ways of crime. I hope that the Prison Association may find a way to doing for the big boys what it has done for the little boy. (Applause.)

Edward B. Merrill, Esq., of the New York Bar, a member of the executive committee of the association, then followed with an address on "The Prison Association and the County Jail System."

#### THE PRISON ASSOCIATION AND THE JAIL SYSTEM.

By EDWARD B. MERRILL, of New York.

I am a little embarrassed at being asked to speak upon the subject of the county jail, by the emotion that Mr. Justice Daly has just now said that he, himself, was interested in our general subject of prison management and reform, by reason of his interest in the "discharged" convict. But Justice Daly has differed from me so often before, and always with a paramount influence and result, that I shall have to trust to the future, when the whole subject of the county jails has been more examined, and the institution, as I look upon it, abolished as a reformatory institution, for your maturer judgment, than I can expect to receive to-day. The other emotion I had was a feeling that Major Stiles, from Virginia, had taken hold of what I deemed to be the right end of this problem, and that was the abatement of crime at the beginning, and not waiting until the man had been schooled in jail by the awful result of his penance and has passed through the probation for the State prison, until he has become hardened from the gristle to the bone and then for us to meet him with the offer of charity, or sentiment, or help.

Now, the jails of this State are 66 in number. The Prison Association has a visiting power, and is represented in each county by various committees of a larger or smaller number, composed of, generally, the most intelligent people in the county



whom you can get interested in the subject. It is not a subject that appeals generally to everybody, and I think, without flattery, or without egotism, that it is a subject that appeals only to the most disinterested public-spirited men and women in the community. I have not very much to say that is new. I began this work some 20 years ago, by invitation of a lady, who has since become very prominent in the charitable work of this State, and kept it up for 10 years — as long as I resided in that particular county. The whole subject is so offensive; though I have read, and studied, and thought, and written so much upon it that I am almost at a loss to know where to begin, in the 10 minutes that is allowed me in order to say anything that will have any influence. To take a concrete instance would, perhaps, be the most simple way of presenting the subject to you. This jail of which I speak was built 40 years ago, after the statute of this State had prescribed its architectural form, and had established also a certain number of rules by which provision is made for the different classes of persons, either those who were to be fined or committed to jail for any reason should be held while they were there; or persons who were held for civil arrest; or persons who were held for trial or for examination; or who, having passed examination, awaited the action of the grand jury; and for the persons who, having been tried by the General Sessions, have been convicted of a misdemeanor, which is an offense not to be punished by confinement in the State prison. Now, all these individuals, more or less in number, were to be confined in separate apartments; but the supervisors, you would have supposed, from the way this jail is conducted, had never heard of the statute. All these accused persons were placed together; the tramp, the loafer, the robber, the sneak-thief, the man who violated the Sunday law against liquor selling, or anybody else, who wanted to pass his time in this place for want of better lodging, were all huddled in this room; and, as you entered, the rap of the sheriff on the door, which was an indication to those fellows that they were to have a visitor, brought them to the gate, like so many sheep coming up for salt at the command of the farmer; and the salt



they wanted was tobacco. That was all they ever asked for; and the odor arising from the filth and unsanitary condition of that prison was something very shocking. That is the general condition of all the jails in this State, and, if you take it from a moral standpoint, they are no better now than when John Howard began his crusade so many years ago, so far as the moral reformation of the criminals who are committed to their charge is concerned.

The Prison Association publishes each year an annual report, in which is printed the reports of these committees which I have named, and, if you take the last annual report, you will find that of the 60 counties, perhaps but four—I think that is a large number—make the slightest reference to the moral condition of the criminals that are confined. All the rest say, “The jail is in very good condition; it has been whitewashed, and the drains seem to be free, and, on the whole, everything seems to be all right.” The whole attention of these committees seems to have been directed to the physical, material condition of the jail. I do not know that I blame them very much. They have had very much experience in the jail, and it is hopeless to attempt, under the conditions in which the jails are carried on, to expect any more reformation. In this jail of which I have spoken, we furnished a library. Well, I suppose it lasted six months, then it was torn to tatters. We had one or two clergymen who interchanged duties, and went Sunday after Sunday, and had religious services. And some ladies were on the committee, all of whom were exceedingly intelligent and capable, and they organized a choir, and attempted some religious instruction. That lasted six months, and then that went, all from discouragement. We found, after a while, that this was simply a waste of time; that anybody that had anything to do had better not waste any time over that kind of charity, because it was absolutely useless. So, we began to look about to find the cause. Well, it is not a long story; but, in brief, it is this: The sheriff of the county is the jail-keeper. His fees for the care of prisoners depend upon the number of his prisoners, because every time he opens the door it is 50 cents to let the

men in, and every time he lets the men out it is 50 cents more, and he has so much a week for board, and he thinks it is his business to have a full boarding-house. The law provides that, under certain conditions, all 60-day prisoners must be sentenced to the penitentiary in the neighboring county, where they are supported for less than one-half the cost of keeping them in the jail, and if it is possible anywhere to teach the short-term criminal any industry, he can learn it there. But sending the prisoners to the penitentiary empties the county boarding-house for criminals, and reduces the income of the sheriff. As the sheriff is in office for "what there is in it for him," he seeks to change this rule; so he goes around to the justices of the peace who sentence these fellows, and says to them, "Here, my friend, you must not send any more of those fellows to the penitentiary for you are reducing my fees." "We will fix that," says the justice. After that, all the 60-day prisoners were sentenced to 59 days, just avoiding the law by one day. We concluded then that we had lost by that game of these irresponsible, untrustworthy officials. What else could we do? We tried to have the sheriff salaried. I went to the sheriff of this county. I said: "Well, Brown, how much salary do you want?" I said, "We are going to try to break up this boarding-house system." He said, "I don't know; what do you think?" he said; "I think \$1,250 or \$1,500 will do." I said, "It is worth that to this county to get rid of this business." But we could not get sufficient support through the State to get any necessary legislation. The sheriff goes to the Assemblyman, who is dependent on the sheriff for his nomination in the county, shows his personal interest in having larger fees, and the whole thing dies; so that now the jails have settled back into the old condition that they were in 40 years ago, and all you get from it is the confinement of the white and black boys all huddled in one pen until freed from there, better fitted to commit the larger crimes, when they are sent to the State prison. I believe, with Major Stiles, that we had better kill crime just as soon as it shows its head. You can not aid them in the common jail—it is a monstrous national evil, and must be abolished. You could take these boys and



girls, turn them from the paths in which they are going, and relieve them from some of the taint and environment and heredity, by sending them to a workhouse, instead of jail, where they shall have some instruction, either in botany or in horticulture, or anything that will turn their minds from evil. And if you do not take care of the training of the young at the beginning, your church, your family, and your State, will, in the future of our modern civilization, I fear, have but a short term. (Applause.)

Judge Daly.—Did you understand me as commending the management of the jails? I just want to say that I have been impressed, as you are, with the management of the jails.

The secretary then gave out notices, and asked that all present register in the book, with their address, so that the report of the proceedings may be sent them.

The Chairman.—A few years ago England did away with its county system of places of confinement—jails—and placed them all under the charge of the same central authority that had charge of the prisons. The immediate result was that a very large percentage of the jails were done away with, because it was found that they were useless. Harmony, co-operation, system, were secured, and the benefits were incalculable in every way; and as long as our county jail system is maintained in anything like its present methods, it will be an infamous blot on our civilization. It is so the world over. It is the place where the jailer and the sheriff make fees, to the disadvantage and ruin of hundreds and thousands.

#### THE PRISON ASSOCIATION AND THE PRISON LABOR QUESTION.

By JAMES MCKEAN, Esq. of New York,

After some flattering remarks by the chairman as to the good work and good sense of the next speaker, Mr. James McKean, of the Prison Association of New York, was called upon, and spoke as follows, on "The Prison Association and the Prison Labor Question":

Mr. Chairman.—The flattering character of your last utterance will be very plainly apparent after I have said the very few



words that I have to say on this most important subject. I, of course, will not alarm you by the suggestion that I shall attempt to grapple even such an important question as that of prison labor in the few moments remaining of the morning session. The utmost that I can attempt will be a very meagre outline of some of the work of the Prison Association in connection with that subject, some of the influence which it has exerted successfully, and some of the influence which it has apparently failed to exert.

When I first had the honor of becoming a member of the executive committee of the association, the dominant question as to prison labor in this State was the contract system. The members of the executive committee at that time were not entirely agreed upon that question. I think, myself, it is a fortunate and commendable thing to have in the executive committee of such an association men of different views. There is evolved by the attrition of discussions, by men looking at these questions at divers points of view, often times more wisdom than comes from harmonious action. The overwhelming majority of the members of the executive committee of this association opposed the contract system, and very largely as the result of the efforts of the association, it came to be abolished in the State of New York.

Now, I think I may venture just to say a word on what seemed to me to be the reason why the Prison Association took ground against the contract system. We found — without attempting a general review of the contract system, let me mention only one or two particulars connected with it — the contract system is all here.

Now, by the contract system is meant the system whereby prisoners have their labor, for a period of time, sold to contractors. The contractor has the labor of the prisoners. He pays the State so much for it per day, or per week, as the contract may be, and he then carried on his work with the labor thus purchased by him from the State.

Now, the inevitable result, as it seems to us, of the contract system was the attempt, always, of the contractor, to utilize the

labor of the prisoners for his own profit, and quite regardless of the reformatory influence of labor; quite regardless of any general principle of prison discipline. The labor conducted in the prison was, to a very large extent, and it seems to me, inevitably must be, by that system taken out of the hands of the administrative officials of the prison, and turned over to a man who claims that having paid the State for the use of the men, therefore they must be the judges of the way in which they shall use the men who were thus purchased by them. Now, a single concrete instance of the workings of that system. I remember, on one occasion, when the contract system still remained in force in the Kings County Penitentiary, inspecting that prison with other members of the executive committee. We found about 25 per cent. of the able-bodied men of the prison idle; most of them, of course, shut in their cells. We remonstrated against that condition of things. The keeper of the prison said that he could not get the contractor to put those men to work; that under some provision of the contract the contractor had a certain option to refuse to employ men who were incompetent. The result was that the very men who needed most of all the discipline of prison labor, were by the contract system left in idleness. And one could hardly blame the contractor for seeking pretexts, either alleged idleness, or mental unfitness, or sense defect, for rejecting men out of whose labor it was impossible for him to make a profit. That question of abolishing the contract system came before the Legislature and the Legislature shirked its duty by adopting the referendum plan. I think the first important instance in this State of that plan.

Of course, it was not claimed to have legal force. It was not claimed that the vote of the people would settle the question, technically; but the vote of the people was overwhelmingly against the continuance of the contract system, and the Legislature regarded that as the edict of the sovereign power, and since that time the contract system has been abolished in this State. The influence of the Prison Association has always been exerted in favor of the public account system of labor in our prisons. We compromised, to some extent, by accepting as a



substitute for the contract system the piece-price plan, which I need not explain. It is a modified form of the contract system, whereby we felt that the evils of that system were largely mitigated; but we have always aimed at a system of prison labor, which makes the labor of the prisoners and the entire control and direction of that labor, a part of the administration of the prisons of the State. After constant effort to secure suitable legislation on this vexed subject, the Prison Association procured—and I may claim it to have been very largely the work of the association—the passage of the so-called Fassett law, some years ago, which, in some respects, seems to us the best legislation that has ever yet been obtained in the matter of legislation in prison labor. It obviates very much of the objection to competition that comes from labor organizations, by limiting the percentage of labor in any one kind of manufacture. No one article can engage more than a certain proportion of the entire labor of the prisons. It also incorporates that wise provision which has been alluded to in some of the speeches this morning, of the crediting to the prisoner, in the discretion of certain supervisory boards, a certain percentage of the earnings of his labor; which creates a fund that may be diminished by the imposition of fines and may be made a most important and efficient agency in the administration of prisons. It also allows the diversion of a certain proportion of the fund for the benefit of the families of confined prisoners, and also allows a certain amount to be paid to the prisoner on his discharge. Now, the most extraordinary condition of things has come about in this State, which certainly calls for some explanation from those of us who have attempted the exercise of beneficent influence on this great question. The new Constitution contains a provision which substantially put at an end all that we have accomplished, January 1, 1897; and the cruellest part of it is that the gentlemen who procured the passage of that amendment to the State Constitution, which then takes effect, and prohibits, absolutely prohibits, industrial labor in the prisons, with limitations which I will come to in a moment, put it forth as having been adopted at the instance of the Prison Association



of New York. It was a most singular instance of careless constitutional legislation, an amendment which prohibits the sale of any products of our State prisons after the 1st of January, 1897. When that was introduced into the Constitutional Convention it was very late in the summer. The chairman of our executive committee immediately went to Albany, conferred with the leaders of the Constitutional Convention, and was assured by them that we need not have the slightest apprehension of the passage of that amendment, but, to our amazement, in the very late sessions of the Constitutional Convention, that amendment went through. It in terms abolishes — puts it into the Constitution — the abolition of the contract system, which is well enough. Then follow the mischievous clauses that I have referred to. Practically, after January 1, 1897, it will be impossible to carry on any industries in our State prisons and penitentiaries, except for the public market itself. There is that saving clause which misled many of the leaders in the Constitutional Convention, because it misleads very many other citizens who are interested in this subject. It does certainly seem a solution of the difficulty to limit the products of our prisons to work for the public. Certainly there is no possible ground for complaint on the part of private industry, if the labor of prisoners is limited to the production of articles needed for use by the State. Misled by that very specious suggestion, this very mischievous section in our fundamental law passed the convention, and was adopted by the people. The difficulty about it is that the State of New York does not use enough articles to keep employed 10 per cent. of the convicts in our prisons. We have no standing army in this State to make shoes for, or clothing for. We have, practically, no great State institutions calling for supplies that can be the subject for manufacture in our State prisons. Our charitable institutions which may, apparently, absorb some of the products of labor, already, in themselves, manufacture a large part of the supplies needed by them. There is, however, left, of course, the question of public works; and it is proper to remind you that substantially this system, this limitation, prevails in the English prisons to-day. They avoid the complaint of labor organizations

by confining the work of prisoners to public works, or articles of the kind that we are now to be limited to in this State, and great public works have been satisfactorily built in England—great breakwaters—by prison labor; and they are about to reconstruct the harbor of Dover by the labor of convicts. And some efforts have been made in this State, as many of you know, to put convicts at work on the highways. The Prison Association, after such examination as we have been able to give to this subject, feel that with the condition of things in this State, it will be most delorable if this article of the new Constitution can not be modified.

I have already spoken too long, but I want to say one word in behalf of the labor organizations and of private industries. While it vexes our patience continually to hear the complaints that come about competition of prison labor, and while it is most monstrous that prisoners should be kept in idleness, or compelled to exert themselves in a physical effort which is unproductive, there is something to be said from the "labor" point of view, which I think ought to be kept in mind. It is an extremely difficult and dangerous thing for the State to go into business. It requires the greatest ingenuity to prevent occasional injustice when the State goes into business, because the State has not the checks of private business; it has no balance sheet, which puts a limit upon what may be the prices at which it offers its goods.

Let me remind you of one single illustration of that which occurred during the latter years of the war, I think in 1865, in connection with the whisky tax. The government of the United States put its whisky tax at \$2 a gallon. It also provided that all illicit whisky should be seized and sold at public auction to the highest bidder. For four or five months, in the city of New York, these sales went on every week, and you could go to those sales and buy from the government of the United States, whisky at \$1.50 per gallon at a time when its own tax was \$2 a gallon! There was the government competing, by public sales with distillers, from whom it exacted a tax of \$2 a gallon. Of course, the result was that the government



had to recede from that position. And so it happens every little while, where the State undertakes industrial enterprises, that it bears with cruel wrong upon certain individuals. I know of one instance in Williamsburgh, the eastern district of Brooklyn, where a concern had devised some very peculiarly successful method of manufacturing hollow ware. One of the agents of a prison in another State, who was casting about for some successful kind of prison industry, heard of the success with which this concern met in the manufacture of this particular kind of goods. It was discovered to be a comparatively simple form of industry, and it was established in one of the prisons, I think, of Pennsylvania, but I won't be sure which State it was. Immediately, the produce of that prison was consigned to this market. It was sold without the check of the balance sheet, and the necessity of earning a profit on capital, because it was a State enterprise. It resulted in the immediate destruction of that business in Brooklyn.

On the public works question I will say only one word more: That one thing that is engaging our attention, in view of this new amendment to the Constitution, is the employment of convicts on some great public work where adequate arrangements can be made for their employment, which can not be made when they are sent to different parts of the State for small jobs. That great public work now contemplated is the deepening of the Erie canal. It is thought by some of us that this great work, which is imperatively required and urged by some of the merchants of New York, is one of the character of some of the great public works carried on in England. It has occurred to us that some canal-boats could be made as floating prisons, and the men could be made subject to the prison officials while engaged in a work of that character. (Applause.)

Mr. John A. McKim.—It seems to me that it would be a little ungracious, probably, if I would fail to make an acknowledgment here on the part of the State Charities Aid Association and Charity Organization Society. It is not apparent, probably, what connection there is between the work of these three bodies. The Charity Organization Society has had very active co-opera-



tion with the Prison Association; but more particularly about the State Charities Aid Association I wish to make an acknowledgment. We have had for several years before the Senate at Albany a bill for a cumulative sentence for those sent to the workhouse. That bill has had the most cordial sympathy of the Prison Association. It is with very great pleasure that I have had to say that Mr. Lewis, your president, joined us at Albany in speaking in behalf of the bill, and I have not the slightest idea but that if the bill passes, as we hope it will do this year, that successful result will be largely owing to your co-operation. We wish the Prison Association Godspeed.

The chairman remarked that he supposed even penologists must dine, and announced the meeting adjourned until 3 p. m.

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#### AFTERNOON SESSION.

Miss Hannah M. Todd, of Boston, sent a paper on "The Probation System of Massachusetts," which was read by the secretary.

#### THE MASSACHUSETTS SYSTEM OF PROBATION.

By HANNAH M. TODD,

*Probation Officer of Massachusetts.*

The system of probation, as adopted by the State, was the outgrowth of the personal work of individuals who had from time to time stood as surety to the court for a person convicted of crime or misdemeanor, but of whom it was thought there was some probability of reform outside of a correctional institution. The good effect of this personal work, particularly with first offenders, resulted in the passage of a law, by the State Legislature in 1878, providing for the appointment of a probation officer in each city and town in the State, and in 1880 two additional officers for the Boston courts were authorized; but the system was not adopted to any extent by any city in the State except Boston. Although for 12 years Boston was practically alone in the work, and the probation officer of the central court labored under the disadvantage of an extensive district and very little time outside of court in which to visit probationers in their homes; the system proved of great value; its

success was due largely to the wise administration of the first probation officer, the late Edward H. Savage, formerly chief of police of Boston. He was kind but firm, and with few words impressed himself strongly on those with whom he dealt.

The success of the work in Boston and a growing sentiment in the community that many offenders might and should be saved from imprisonment when convicted of an offense for the first time, resulted in the passage of a law (1891) providing for the appointment of a probation officer in each municipal, police or district court in the State. This differed from the law of 1878 in many minor points, but the essential difference was permissive, allowing the cities and towns to appoint probation officers, and the law of 1891 was mandatory, requiring them to do so.

Under the old law, the expenses of the probation officers were to be met by the town making the appointment; while under the present law the expense is borne by the county, so that the smaller cities have adopted it, and it is now in use in every city in the State, and the result is uniformly good.

Under the present law, the probation officers are appointed by the judges of the court, instead of by the mayor and aldermen, as under the old law, so that now these appointments are entirely free from any political influence, and the judges are men of broad experience, and are far better fitted to decide as to the qualification needed for such an officer.

Connected with the Central Municipal Court of Boston, there are seven probation officers, a chief and six assistants, one of whom is a woman appointed under a special act of the Legislature, passed in May, 1892. Under this act she investigates the cases of all women going before court on a criminal charge, keeping complete records of all women arrested, and all information gathered from time to time concerning them; the card system of registration is used, a card being used for each woman arrested, and one for each alias; these cards are alphabetically filed and the information recorded is available at any time for the use of the judge of either Municipal or Superior Court.



In addition to the work of investigation and registration of arrested women, all women placed on probation are placed in her care, and she is responsible to the court for their appearance at a specified time, and their behavior during probation.

While the actual duties of the probation officers are defined in the law relating to their appointment, there is a broad scope for individual effort, and the development of plans, and methods of work for those placed in our care; there is no limit to the opportunities for work in behalf of the probationers, by aiding them in securing employment, by assisting them away from the city, and in getting friends to interest themselves in their behalf, or by personal influence, endeavoring to develop the moral sense and to strengthen will and character, it is often necessary to remove them temporarily from the temptations which have proved a snare.

Every case is individual, and can be treated wisely only after an investigation as to the present environments, past conditions and the opportunities and moral influence which have been lacking and the preponderating influences which have surrounded their lives.

The adoption of this system by the State is significant as indicating a change in public opinion as to the treatment of offenders, and a growing sentiment in favor of abandoning the old policy of merely punishing offenders and looking at the more humane and helpful method of attempts at reformation. It also shows an increasing realization that under the present congested prison system the chances for reformation are small, and that the possibility of reforming first offenders and corrigibles are greater outside of a correctional institution, if the offender can be placed under good strong influences. The judges hesitate to impose sentence for the first offense, particularly of young men and women, unless there is pretty strong evidence that the offender is incorrigible.

Under the present system the probationer has strong incentive to do well, as the sentence of the court is simply deferred, and can be imposed at the expiration of probation or they may be surrendered and sentenced before the term expires; they are



made to understand that they are under the surveillance of the law, though the restraint is only moral, and while the probation officer is their friend, he is also an officer of the law and must see that the conditions imposed by the court are carried out. Many realize that this is their opportunity and really try to improve it, redeeming themselves without actual restraint, and are saved the stigma of having been to prison.

Our prison commissioners and others whose position or interest made them acquainted with the inmates of the penal and correctional institutions, found that men and women, boys and girls, were sentenced to terms of imprisonment by the courts who could have been placed on probation if the facts had been investigated.

Applications for pardon have been received by the prison commissioners, and on investigation it was found that the conviction was secured through false or prejudiced statements, and sometimes by the testimony of parents when angry, who afterwards repented, and themselves made the application for pardon. As a result of these various cases coming to their notice they came to feel that for the interest of the accused, and the integrity and well being of the court and the community, there should be as an adjunct of the court some system by which an impartial and unprejudiced investigation might be made and the actual facts secured. As a rule, such investigation has nothing to do as evidence in establishing guilt, but to assist the judge in deciding on the sentence to be imposed, by information as to the general character of the individual, his home family and employment.

The probation system falls under two heads, investigation and probation. All persons arrested, for any offense, are seen by the probation officer, before they go to court, who kindly inquires as to their family, home and work; many of those seen are already known to the officers; but of those concerning whom nothing is known, an immediate investigation is made, if possible, or if this is impracticable a continuance is granted that an investigation may be made; or in some cases probation is

recommended without outside investigation, depending on the story of the accused and the testimony of the arresting officer.

The length of the term of probation is optional with the court and varies in different cities; in some of the smaller places the term is one year, as also in the Superior Court; but in the Central Municipal Court of Boston the term is but five weeks. [This is much too short a term to gain a very strong influence or to decide if the probationer is really doing well, and even if the visits of the probation officers are continued after the case has been dismissed by the court, the influence lacks authority and is weaker after the legal restraint has been removed. During the term of probation, visits are made by the officer as often as once a week when possible, the object being to establish a real, friendly oversight.

At the expiration of the term of probation, the case may be disposed of in one of four ways; either by an extension of the term of probation, the person surrendered and sentenced, the case defaulted by non-appearance at court, or the case dismissed.

In many cases the officer recommends a dismissal if the offender is doing well, even when longer time is desirable, but for each continuance an appearance at court is necessary, and we find that this has a bad effect, particularly on women and girls, because if they are sensitive and feel the disgrace of their offense, it is a serious hardship to expose them to the publicity of the courtroom, and if they are hardened and do not care, it is unwise to familiarize them with the associations of court.

Under the present law for drunkenness in this State, an important work devolves upon the probation officer. The law provides that any person arrested for drunkenness may make to the officer in charge of the place in which he is confined a written statement, addressed to the court having jurisdiction of his case, giving his name and address, what persons, if any, are dependent upon him for support; his place of employment, if any, and whether he has been arrested for drunkenness before within the 12 months next preceding; together with a request to be released from custody. He shall be informed by said officer of his right to make such statement and request; the



officer who receives such statement shall indorse thereon the name of the arresting officer, and, if the arrest was made within the jurisdiction of a court having a probation officer, shall transmit said statement to said officer, who shall at once inquire into the truth or falsity thereof and into the record of said person as to previous similar offenses, and shall indorse thereon, over his own signature, for the use of the court having jurisdiction of the case, the result of the investigation, and the court thereupon, in its discretion, may direct that such person be released from custody without arraignment.

Section 6 of the statutes says: "It shall be the duty of probation officers to assist the courts by which they are severally appointed, by obtaining and furnishing information in regard to previous arrests, convictions and imprisonments for drunkenness, and such other facts as the court shall direct, concerning persons accused of drunkenness."

"§ 7. Each of the said officers shall keep a full record, well indexed, of each such case investigated, in such form as the court shall direct."

It will be seen that by this law certain specified duties are assigned to the probation officers, which were not contemplated under the original probation law. There is no doubt that this investigation of the statements of the arrests for drunkenness is of great value to the court, but it requires so much time and strength that the probation work has become secondary in the Central Municipal Court of Boston, where there were 7,246 cases of drunkenness specially investigated by the probation officers of that court, for the year ending September 30, 1894, out of a total of 9,014 in the entire State, and this work in the Central Court is done by a force of seven probation officers, while the whole number referred to the probation officers of that court is 15,607, all of whom are seen personally before going to court, out of a total of 47,249 for the State; therefore the difficulties which are met in the administration of the law in Boston can hardly apply to other courts in the State.

The probation officers begin their work at 7 a. m. All male prisoners are seen at the city prison and all female prisoners



at the House of Detention; after interviewing each prisoner, and making out the records of previous arrests, the outside investigations are made. These are necessarily superficial, as there is usually less than two hours before the reports must be made to the court; but the information gathered is usually sufficient to enable the court to determine the disposition of the case; and if not, a continuance is granted and the necessary inquiries made. The result of this law has been the imposition of longer sentences for the habitual drunkard, practically restraining them indefinitely; while to the man or woman who is only an occasional offender, every chance is given to save them from the demoralizing and debasing influence of prison life. This is especially true of women who are released without arraignment to the limit of the law, then tried on probation, and often when actual restraint proves necessary, they are sent to a private institution under good influences, to remain a specified time, at the expiration of which work is secured away from their old haunts or among friends who will endeavor to redeem them by personal influence.

In the latest report of the Commissioner of Prisons of Massachusetts, we find the following statement: "Although the same law which established the probation officers provides that they may also act in the Superior Courts, very little work of this kind was done outside of Suffolk county, where several hundred were placed on probation. The total number of persons placed on probation in the State of Massachusetts during the year was 5,317; of these 1,180 were placed in charge of the probation officers of the Central Municipal Court of Boston; of this latter, 461 were women, who were referred to me, as the probation officer for women.

Most of the women arrested are victims of one or both of the two great evils gnawing at the vitals of our civilization, drunkenness and what is known as the social evil, and they are two such subtle and deep-seated evils that it is discouraging and well-nigh hopeless to try to grapple with them under existing conditions in our cities. The system of liquor license offers every opportunity to the vision and temptation to the weak.

It is unusual to have a woman arrested for drunkenness who has just begun the use of intoxicating drinks; as a rule, the use has become a habit long before she is an arrested and convicted drunkard. This habit is largely the outgrowth of association, and it is hard to cure; but the attempt is made by removal from the city, the scene of their temptations. Even after a long absence from their old haunts, many drift back, but to secure a period of abstinence under moral restraint is well worth while, and many really recover themselves during the suspended sentence of the court. Our judges are willing to accede to any wise and humane request looking to the improvement of the individual; but in some respects even more helpless seem to be the women and girls arrested for idle, disorderly conduct and similar offenses. The law relating to offenses against chastity is so one-sided in its application as to be of little value. Girls and women are the only persons arrested for this class of offenses, and while they are the most conspicuous offenders, they are not the only ones. We know that for every girl there are many men that can not be otherwise, or these girls could not be supported in their lives of degradation and shame. These evils can not be cured by class or sex discrimination, and until men, who have much less excuse for sin, are punished the same as women, we shall not strike at the root of the evil.

A short sentence for the offense of night-walking gives simply a recruiting time for the offender, and she is more than likely to return to the old life when the term of restraint is over, so that by imprisonment little is accomplished in the cause of morality; so that to many of this class of offenders the chance of redeeming themselves under the system of probation is granted and some marked changes in individual lives have resulted.

Many of those coming under our care are deficient in mental qualities and have almost no moral perceptions; they follow any path open to them as long as it does not call for the exercise of any power of resistance. Still, others are broken down from overwork and trouble, and are in sore need of friendly help and strength. By this means, a person taken early in the



downward career, when the vices are more largely tendencies than habits, can usually be influenced to a better life. Under probation, there is every incentive to do well as the sentence of the court is only suspended, and though under the surveillance of the court, the probationer is under moral restraint only, and this gives opportunity for the exercise of self-control, and to enter on a new life away from old associations. While we can not expect the habits and tendencies which have made a person a criminal or delinquent will be overcome in a few weeks, we do find that in many cases, the danger of imprisonment arouses them to a sense of their danger and shows them where they are drifting.

The value of probation depends on the amount of personal effort and interest which the officers can put into it; it is important to see frequently those placed in our care, as often as possible in their own home or at their work, so that we touch their life at the natural points of their existence, bringing to it, I trust, a fresh spirit and influence. These visits should be made in a friendly spirit, not to find out all the unfavorable things about the probationer, but to help them to restore confidence in themselves, and to brighten up their lives a bit.

A judge of one of our suburban courts says: "I am impressed more and more every day with the importance of the probation officer. His work does more to prevent the weak from falling and to build up the unfortunate than most people have any idea of." (Applause.)

#### Remarks by Dr. Dana.

Miss Todd's paper was followed by remarks by the Rev. Malcolm McG. Dana, D. D., of New York, formerly vice-president of the Minnesota Board of Charities and Corrections, he spoke as follows:

Mr. President, Ladies and Gentlemen.—I want the privilege of calling attention to one phase of the work which should interest all friends of prison reform. Just now the work in behalf of the young is assuming a new importance, for it is coming to be recognized that more stress must be laid on efforts to save our youth from a criminal life. "An ounce of prevention for this



reason is worth a ton of cure." The best prison reform is that which empties our prisons. "Child saving," as it is now technically termed, has risen to the dignity of a calling, and at present is the hopefulest form of philanthropic Christian endeavor. It is time surely that we concerned ourselves far more with the sources of crime, the causes producing criminals, and then begin, earnestly and broadly, to see what can be done to remove them.

A grand work has been accomplished in making our penal institutions so largely reformatory. This association has had no inconspicuous part in this beneficent movement. May the next 50 years witness as marked an advance, and results equally encouraging.

The interest in the condition of youth is, however, of augmenting promise, and calls for recognition on this anniversary occasion. The returns are such as to indicate this interest, and awaken new attention to all kinds of preventive work.

New York has 20,502 dependent children in public institutions, or one to every 268 in the population, costing the State \$2,050,000 annually.

California has one to every 250 of population costing \$230,000.

Ohio has one to every 1,000 of population costing \$307,000.

Michigan has one to every 10,000 of population costing \$35,000.

The latter, through its State public schools, has removed practically all juveniles from county poorhouses, though when it opened in 1874 there were 600 in the same. Minnesota has adopted practically the same system, with equally gratifying results.

It is well known that the city supplies by far the largest proportion of criminals, and it is in the city that all schemes for saving the youth need to be pressed with the utmost energy.

1. Bad homes lie back of and account for the major proportion of juvenile criminality. For this reason, all interested in prison reform must be equally interested in that now pressing problem, tenement-house reform. Think of the early environment of such offenders as are sentenced to the Elmira Reformatory,

wherein over 50 per cent. came from positively "bad homes." Then, add to this sad exhibit the fact that 57 per cent. were in these homes at the time of their crime, all offending, and you see at a glance where the fruitful source of juvenile criminality is to be found. Many of the tenements of this city, it is well known, are unfit for human habitation; in them no pure wholesome life is possible. To do nothing to improve these tenements, to require for them no better sanitary arrangements, is simply to perpetuate the conditions which promote criminal life. Not only do good dwellings reduce the death rate, they also increase the morality and self-respect of those that live in them. As penologists we are called upon to recognize the overcrowding and subsequent unwholesomeness of the tenements where the poorest of the city's population are forced to live, and the relation this has to juvenile depravity and delinquency. The time has come when, in the interests of humanity, it should be insisted upon that the neediest of the people shall be decently housed, for as things are now, we are placing a premium on crime. Back of the prison is the "bad home," and if we are to diminish crime, we must begin in earnest to reform the homes whence come our juvenile offenders. What a comment on New York home life, or the absence of all true home life, is the fact that the Elmira State Reformatory report states that 37 per cent. of the inmates of that institution had no moral sense. An English authority, speaking for juvenile offenders, says that, in the city of Manchester, only 6 per cent. come from homes fit to live in.

2. Better School Privileges.—The great lack of these has only of late become really known. Ignorance, vagrancy and consequent vice are to be expected, when thousands of our youth are without school accommodation, and when some of the schools are overcrowded, and sanitarily unfit for their purpose, we are educating the young in habits of idleness, training them to become tramps, by failing to provide schools ample and numerous enough to receive those who could and ought to attend. The educational factor is one of increasing importance. Less than



one-half of the children of school age are as yet enrolled in New York, and what is more menacing, the municipality has not provided for even those waiting to be admitted into school. Our foreign-born population are, on the whole, eager to have their children acquire the rudiments of education, such as our public schools are intended to furnish.

Looking about to see how crime can be prevented, here certainly is a state of things that must produce it. Twenty-three thousand misdemeanants were sent up to the workhouse last year, and who can say how large a portion of these were left uncared for by the city.

Now, it is for us who are studying how to lessen crime and reform criminals to make more of the preventive measures. We regard as a harbinger of good the renaissance of interest in our juvenile population.

The air rings with the proof that society is turning to do more wisely and longingly for those to whose hands must be intrusted the future of our city. The kindergartens, boys' clubs, college settlements, educational institutes, libraries, good-government clubs, working girls' associations, etc., all show that through such agencies we may save the rising generation. Surely already to these we owe a better life among the young, the lessening of the numbers of juvenile offenders, and for the future lies along these lines.

Let this association emphasize this kind of work, and let us remember that to prevent crime is a greater and more imperative work than to reform criminals. Therefore, have I ventured in this presence, on this occasion, when commemorating the signal service of this association, to recall to view a field in which all friends of prison reform should let their sympathy and personal aid be felt. It is for the youth of this city there should be growing solicitude, and friends of this association co-operate in every effort promising to reduce juvenile temptations and delinquency. (Applause.)



## REFORMATORY vs. PUNITIVE METHODS.

By Col. JOSEPH F. SCOTT, of Massachusetts.

Colonel Joseph F. Scott, of the State Reformatory, Concord, Mass., then read a paper on "Reformatory vs. Punitive Methods," as follows:

It is always with diffidence that I undertake to express opinions upon prison methods in the presence of those who have made the science of penology a life-long study, and who have had an experience more varied and extensive than my own. I believe that a superintendent of a prison gets much inspiration from a meeting of this kind, which helps him in the administration of his institution, and I should be reluctant to appear here in any capacity other than a listener, had I not in an inconsidered moment yielded to the persuasive request of Mr. Round to place my name upon the list of speakers for the afternoon.

I am especially interested in meetings of this kind, for, besides the fund of information which they furnish through this informal exchange of ideas, we get in them a fresher enthusiasm for the work in which we are engaged, and a clearer perception of our duties toward the unfortunates under our care. But I believe their greatest usefulness consists in the part they take in shaping public sentiment, upon which we all lean for support.

We are indebted to the National Prison Association and the different State associations, especially to the Prison Association of New York, for the position of the prison question in this country at the present time. Through their efforts a sentiment has been fostered which is hospitable to the more advanced treatment of the criminal, and they have enlisted the sympathy and earnest interest of our most intelligent people. If we are to obtain a correct system of prison management, it must be through the education of the public mind in this direction, for no system can long stand which is either too far behind or too far in advance of public sentiment. Only by the cultivation of a healthful public sentiment can we hope to eliminate the bad elements from our prison system or inaugurate new methods therein.

The criminal throughout all the ages has been the most abandoned of the human family, always an outcast, and the last to engage the benign attention of the humanitarian. While crime should always be frowned upon and never condoned, we have at length reached a position where we are taking a more intelligent view of criminal treatment, and a deeper interest in the criminal. While this has been forced upon us largely through the prevalence and increase of crime, there has been, nevertheless, a great awakening in interest in all social reforms, and the second great commandment, "Love thy neighbor as thyself," has come with a new meaning into the hearts of men, giving them a clearer revelation of their duties toward mankind, and a concern even in the welfare of the criminal.

The only ethical ground upon which society has the right to deprive the individual of his liberty, is its own protection, and the methods which best protect society in its dealings with the criminal are those which are most successful in preventing crime. Can this be best accomplished through punitive or reformatory methods? Through all the past punitive methods have held undisputed sway, and whether their underlying motives have been retaliation or repression, they have never lacked in severity nor left untried any measure calculated to strike terror to the evildoer.

To those who believe in punitive measures alone as a deterrent to crime, the history of the criminal gives little encouragement. The extremest tortures which were ever practised, and the terrors of the prisons in earlier times, were unable to stamp out or greatly diminish crime; but it is safe to say that where punishments have been severest, there lawlessness has been most prevalent. Punitive methods have never proved corrective nor especially deterrent.

We can not speak with such certainty to the results of reformatory methods as they had not had the extensive trial of punitive methods, nor have they yet been developed to the extent which their advocates deem expedient. In England, they have had a general trial in a meagerly developed way with fair results, while in this country they have been more



thoroughly developed, but applied in only isolated cases and with results which have gained to them many adherents.

Archbishop Whately, at his late day, said: "We can not admit that the reformation of the criminal is an essential part of punishment; it may be joined to it incidentally, but it can not belong essentially and necessarily to a penal system."

Even admitting that Whately was right in his assumption that we have no right to seek the reformation of the criminal as an end, if it proves an efficient means for the protection of society, and the prevention of crime, it is entitled to a place in the penal system.

The reformatory method does not seek to supplant the punitive method, but to build upon it; it is all that the punitive method is, and more, it combines with deterrence moral amendment, with punishment correction. The reformatory has not for its motive retaliation or repression, but seeks to guard the future rather than punish the past. It deals with the offender more than with the offense, and it strives to deal with him in such a manner as to change the wrong purpose and trend of his life, that he will not appear again as an offender, believing that it is a greater protection to society to reform him than to punish him.

The dealings of Providence with man is designed to bring out all the best that is within him, and whether he is rewarded by prosperity or disciplined by adversity, the law of effort is the guide which brings him the one or frees him from the other, and only through effort can we hope to attain the divine expectation of him.

Society, in dealing with the criminal, should seek to bring into its penal system, if reformation be sought, this element of effort on the part of the criminal for his reformation. Our prisons of the present time receive the prisoner, who feels that he is simply to "do time;" they feed, clothe and house him well, associate him with a promiscuous crowd of more or less hardened criminals by day, and leave him to his own thoughts, which are never improving, during the many hours which he must occupy his cell. If he works, it is usually under coercion, without any



stimulating motives, which makes him loath work, when he should learn to love it. He idles whenever he can, and deceives in regard to it, and his habit of industry is destroyed and not fostered. The discipline consists principally in a severe external pressure, which, if the criminal has not lost all manhood, tends to make him more obstinate, or, if he submits to it, he learns to yield to other forms of pressure which may carry him later on in life to ruin, when he should have learned how to withstand them. He becomes weaker instead of stronger, and leaves the prison worse than when he entered it, and if the prison has subdued him it has also ruined him.

The reformatory method views its prisoners as persons who have offended against society, for a time to be placed without its pale; it believes that they are human, sentient beings, having all the possibilities belonging to the human family, but through undevelopment or perversity are out of proper relationship to society, and it believes that unless they are brought into right relationship to it, when they return, neither society or the person is benefited by imprisonment. The reformatory purpose is to use those methods which change the person so he shall cease to do evil, and learn to do well. To promote this change, it brings to bear upon the prisoner those methods which in every civilized community have been found elevating and beneficial to its individuals.

Its communities of best civilization, of the highest morality, and of the best industrial conditions, we find the church, the school-house, and the workshop, and the element which they represent is what the reformatory seeks to bring to its prisoner, with a view to correcting and developing him to the moral, intellectual and industrial condition of a good citizen. It believes the prisoner to have the same inclinations as others, and it finds him needing the same motive and power by which the best people have reached and continued in goodness. It uses that degree of severity which creates a desire upon the part of the criminal to better his condition, and that degree of consideration which is necessary to turn him to right thoughts, actions

and life. It seeks to discipline, to instruct, to enlighten, to qualify and equip the prisoner so that he will not again have the desire or necessity of wrong-doing. In all this the prisoner is put into the work of his own reformation, and to use his powers to that end, rather than let them run to evil. He is daily put to those tests and requirements which if followed, practised and acquired, convert the heart to honest affections, the mind to right thinking and the hand to skillful doing.

The theories, the results even, of reformatory treatment, justify the demand, which the sentiment of the present day supports, for placing it in every penal system. It is not sufficient that there should be isolated institutions employing these methods, but it should become the object and aim of the whole penal system, infusing it with a new motive, which will be an inspiration to those who administer it as well as to those who come under it.

The agencies which the adherents of the reformatory treatment believe essential to the best results are the indeterminate sentence, classification by personal effort and merit, employment and physical, mental, moral, social and industrial training combined with a severe discipline aimed at the mind of the prisoner.

The indeterminate sentence is the great stimulant to effort and reformation. It allows the release of the prisoner, if he reforms, and gives him an incentive for right-doing from the start. While it admits of the return of the reformed prisoner to society and relieving it of expense, it also admits of the detention of the incorrigible that he may not be released to immediately prey upon society again.

The theory of the indeterminate sentence seems to be sound; the difficulty lies in its administration. It has worked well in our reformatories. To apply it to our penitentiary population, the difficulties are greater, but I believe that many of the objections which are now raised would be obviated by a system in which the maximum time is fixed by statute and the minimum time by the magistrate sentencing the convict. This would leave a considerable period dependent upon the exertion of



the prisoner, and it would seem to satisfy justice and contain an element of mercy.

Supplementing the indeterminate sentence, there should be a well-devised and comprehensive marking system. This should include a daily accounting with each prisoner in the results of his personal exertion, for which he should receive a stated marking after a deduction is made for all the infringements of discipline, and, if possible, for all the articles of food and clothing received by him. Much choice of action should be left to the prisoner, and he should be made to feel that he is in a condition from which there is no escape, except by application and effort. If he relapses his suffering is increased and prolonged. Only by struggling manfully can he hope to sustain himself, and to reach prosperity; he must continually practice industry, frugality and self-command. While the mark system stimulates the individual to a willing obedience, fitting him for that voluntary submission to law which is expected of the good citizen, it is also conducive to the best discipline, for under the indeterminate sentence and marking system it is impossible to secure concerted action for any considerable number, for each, having his welfare and time in his own hands, is not liable to become a party to strikes, riots and other demonstrations of insubordination.

The employment of prisoners presents one of the most difficult phases of the prison question to-day, when the labor organizations are clamoring for the abolishment of all prison labor. But the virtue of hard labor, stimulated so as to be willingly performed, can not be overestimated. It is more effective in the reformation of the criminal than any other agency. To learn to labor and to labor intelligently, cultivates those habits of independent voluntary exertion which is the best proof of improved character and the best means of retaining it. He should be made to feel that his restoration to society depends upon his labor, and that to continue in it he must continue to labor. Instead of finding upon his entrance to the prison that the amount of his labor depends upon the length of his sentence,



he should be made to realize that the length of his sentence depends upon the amount of his labor and exertion.

For the reformatory purposes the labor should be largely instructive, the best exponent of which is trades instruction. Otherwise, it should be labor that requires a good degree of skill of rough outdoor work. It is apparent to all who have considered the subject that a very small per cent. of our criminal population is recruited from the farming class, and it would seem that out-of-door work furnishes one of the best means of strengthening them physically and morally. My own observation convinces me that it is the greatest benefit in eradicating many of the vices so prevalent in all our penal institutions, being strengthening both to body and mind.

Without touching upon the benefits to be derived from physical, intellectual and social training, which are inestimable in value, when the reformation of the prisoner is sought, I wish, in closing, to quote from the report of my chaplain in regard to moral and religious training, which seems to me to be especially important in the reformation of men.

"The success of a reformatory institution depends upon its being pervaded by a moral and spiritual influence. We can rely upon nothing less than the greatest force to insure the reformation of men. Penal infliction, the routine of a well-ordered prison, schools, trades and industrial education are all important. Each is indispensable in its place, but none of them, nor all of them together, are sufficient alone to insure the largest results in the reformation of men. Pervading them all must be the great reformatory force.

"This reformatory influence must be a pervasive one. It needs to vitalize the entire administration of the institution in every part throughout. It is not sufficient that it should be put forth by a so-called religious officer alone, or that it should be employed on some one day of the week or in some special service. It should pervade the whole institution like an atmosphere. The moment a prisoner comes into the prison he should be compelled to breathe that atmosphere. It should be im-

possible for him to get away from it anywhere or at any time while he remains a prisoner. In his cell, in his school, in his shop, in whatever place he may find himself, he should be, as nearly as possible, shut up to it.

"This moral influence should be so genuine that the sharpest prisoner could not challenge its sincerity. It should have such a constraining force that no prisoner could fail to feel it strongly, even though he had always had the power to resist it. It is this vital reformatory force that causes a reformatory to differ from a common prison. A common prison ordinarily will not reform men. The question of the highest success in the reformation of men is, therefore, not so much a question of occasional religious services as it is the question how the whole institution can be maintained at that level of moral enthusiasm which is indispensable for something more than mechanical or routine work. I do not mean in any way to belittle any of the agencies which are found beneficial in the reformation of men. I believe they are all essential and important; but this higher force which works through the personality of devoted men must be super-added to all the rest and must be pervasive through all the institution, if the best results are to be achieved."

The reformation of the criminal, I believe to be a worthy Christian object, and one of the best means of preventing crime and protecting society. It is in line with the advanced social thought of the day, and if it should not be the chief aim of our penal system, it should at least have a prominent place in it. (Applause.)

#### Letter from Hon. Z. R. Brockway of Elmira.

The secretary read a letter from Z. R. Brockway, who was to follow Colonel Scott, on the same subject, after saying:

Professor Monks, Mr. Brockway's right-hand man in all the teaching of the reformatory, and a man heartily in sympathy with all the work going on there; a man loved by all the officers, and by all the men, and respected by everybody, day before yesterday, while apparently in good health, quietly sat down in



his chair as if for a moment of rest, and died peacefully. It was a great blow for Mr. Brockway, who had intended to be here. The letter is as follows:

NEW YORK STATE REFORMATORY, ELMIRA, N. Y.

*To the Corresponding Secretary, Prison Association of New York:*

My Dear Friend.—I had intended to leave here this afternoon, and to be present with you to-morrow, as you have so kindly invited me to do, but our great affliction in the loss of Professor Monks, whose funeral occurs to-morrow, will prevent the carrying out of my purpose.

I have most sincere sympathy with the occasion that brings you together this fiftieth anniversary of the life of the association, and I covet an opportunity to express my high appreciation of your organization and its work. I always recur to the period, 25 years ago, when Professor Dwight and Dr. Wines visited me at Detroit, as the date when, considerably due to their suggestion and inspiration, the subject of prison science impressed me as of so great importance, when I really espoused the principle that to seek first and wisely the reformation of criminals best accomplishes all the other purposes for which imprisonment for crime is imposed, and must lead up to the new penology, the ideal prison system for a State.

Since then some progress has been made, but there is yet an open field for further achievements. The great foundation is already laid first in the statutes of our own State; since then in those of other States, namely: That the true purpose of imprisonment is neither retributive nor vindictive, but protective; that sentences to imprisonment must be indeterminate and reformatory, instead of determinate and so vindictive; that prisoners in confinement in the State penitentiaries may be employed with less of regard to production and profit, more to earn well after their release, for their own support, by legitimate industry.

These reforms have been signally promoted by the Prison Association of New York, and I believe such an association is



well nigh as necessary, forming part of the true prison system, as are the prisons themselves.

When I was before the judiciary committee of the Senate, 1876, urging our indeterminate sentence law, the chairman remarked: "This measure will not be opposed in the Legislature; public sentiment is ready for it, made so by the influence of the reports and discussions of the Prison Association of New York." The judgment of the chairman was justified by the passage through the Legislature without opposition of the organic law governing this reformatory, which is an instance of progressive legislative enactment so advanced and innovating that the late secretary of the Prison Association (Dr. Elisha Harris) declared it to be worthy of a place among the miracles.

To the Prison Association is also largely due the creation of the public sentiment by which that measure, and the reformatory institution in our own State built upon it, has been sustained and successfully defended against all the attacks intended to overthrow it, preserving thus the seedling of reformatory prison institutions which are now springing up here and there throughout the whole country.

The reformatory prison system must have the aid of the Prison Association to form and steady the general public opinion which is, in this matter (as always in every great reform), the only sure basis of their endurance; to induce the police force to wield its great power, first to prevent crimes and afterwards to detect them; to guard the trial and conviction of criminals by the courts, to the end that the accidental young criminal found worthy may be saved from the calamity of unnecessary imprisonment; to supervise, by visiting and inspecting it, the administration of the prisons for the purpose intended, and more important still, the Prison Association must aid, as only it can do, to completely rehabilitate the prisoner on his discharge from prison, by providing for him when necessary, introducing him into industry, advising and supervising him until he is permanently adjusted to orderly living among the productive of his class in society.

May this semi-centennial occasion in the history of the Prison Association prove to be the period of increased facilities, enlarged opportunities and its emergence to the greatest possible usefulness.

Faithfully yours,

Z. R. BROCKWAY.

Discussion of Colonel Scott's paper:

Mr. Patterson.—I would ask how the gentleman would classify as to crime or age?

Colonel Scott.—I think it is well, perhaps, to divide the very young from the old, although I am not so strong in that opinion as some. I do not think it matters so much about the crime he is in for; I would classify him by his personal exertion in the prison when he gets there. I would bring them in on a level, but keeping the young from the old if they do not work well together. Most of our young men, we sometimes hear it said, are very much contaminated from the old criminals. My experience is that when young men get to prison, they have very little to learn in the way of viciousness.

A Delegate.—How do you distinguish classes as regards clothing?

Colonel Scott.—Our uniform consists of three uniforms; the higher grade has a black suit with a chevron; the second a black suit without a chevron, and the third a bright red suit.

Mr. Patterson.—The gentleman makes a distinction between a prison and a reformatory. I would like to ask if a prison is surrounded by all religious influences, of religious teachings, with Sunday-school and Bible classes, and good music; why isn't that prison just as much of a reformatory as an institution that is called a reformatory?

Colonel Scott.—I do not want to make any distinction between a prison and a reformatory by the name. In my paper I said that the reformatory methods and systems should be applied in all cases. If these things are done, you will accomplish their purpose, whether it is called a prison or a reformatory.

Mr. Patterson.—Now, sir, you speak of the young criminals who come in contact with the old criminals and not being contami-



nated in that way. I know of a prison where there are 1,050 convicts, and more than 700 of them were between the age of 18 and 30. Out of the 700 there are but about 15, I think, that have been in prison the second time, and they are guilty of more crime than any other class of criminals that we have, between the ages of 18 and 30. I have a statement that I would like to use to verify what I say, from the records of our prison, that the worst prisoners that we have had in the New Jersey State prison are between the ages of 18 and 30.

Colonel Scott.—I would say that we have got to deal with our criminals, no matter what their ages are, and our motive should be to find that method, and to change them in that way, whether they are 18 or 30. I believe the reformatory method should be applied to all offenders. Our tendency is to consign our prisoners too quickly to our incorrigible class. I do not believe in applying reformatory methods entirely to first offenders. I believe they should be applied to all offenders.

Mr. Patterson.—We have 84 boys who have graduated from the reform school in our State, during a period of five or six years. We have in the New Jersey State Prison 34 from the three different reformatories: From Elmira, from Concord and Columbus.

Rev. George Maddock, chaplain of the New Jersey State Prison.—I would like to ask Colonel Scott a question. We all know that it is a very current opinion that the association of old criminals with younger ones is very detrimental to the latter; what is your experience with that? I have had a limited experience, but I have found out in our prison in the State of New Jersey that the older and the habitual criminals have very little or nothing to do with the younger criminals. They are dull and besotted, and they leave the boys, as they call them, alone. But we find the young criminals are sharp. I said my experience is rather limited in this matter, but I would like to ask the colonel as to the truthfulness of this common report, as to the association of the older and habitual criminals with the younger criminals.



The Chairman.—The colonel has already answered it twice.

Colonel Scott.—There is no question but that we are affected by other people. If we are associated with bad people, they are bound to have an influence upon us; that thing is the same in the prison; but I maintain that most of the criminals that come to prison have very little to learn. Our whole scheme should be to occupy them, and fill their minds in such a way that whether they are associated with one man or another; it should have little influence. We should have our forces uplifting these men all the time. I would not say that they are never contaminated; but I think that the amount of contamination that comes from older ones is much overestimated in general.

The Chairman.—The parent and pattern of all reformatories for women is at Sherborn, Mass. I think that institution owes a very great share of its success to its superintendent, Mrs. Johnson, who is here.

Mrs. Ellen C. Johnson then read a paper on "The Woman Prisoner; What has Been and What Should be Done for Her."

It is a matter of great regret that Mrs. Johnson's valuable paper could not be obtained for publication.

#### Resolution as to Removal of Sing Sing Prison.

The following resolution was then offered by Mr. McKeen:

Resolved, That this conference call the attention of the Legislature of the State of New York to the urgent need of a new State prison in the place of the one at Sing Sing. No money spent upon the present grounds and buildings can make them adequate to the requirements. It is of imperative importance that a new location be selected, where there will be sufficient room for the construction of new buildings according to approved plans of prison architecture and where the surrounding can be controlled and employment given to a portion at least of the convicts in out-of-door work.

Colonel Sage.—I did not come here expecting to discuss this question or, in fact, any other question. I am new in prison work, having very recently been appointed warden of Sing Sing prison, and I came here to listen and not to speak. The resolu-

tion which has been offered here is a very important resolution. It involves a great deal. It is a matter which is very properly before your association and is a matter that will undoubtedly receive the attention, sooner or later, of the Legislature at Albany. Not being prepared, as I stated, and this not being a burning question at the present time, I don't feel that I am called upon to take the time of this meeting, which can be better devoted to hearing the very eminent and able men who are here to discuss present topics, than to speak upon the question itself. I, myself, if you will permit me to offer one or two suggestions, would say that I think there is a great misapprehension in regard to Sing Sing. I had a misapprehension in regard to it myself. When I came to visit Sing Sing and became its warden I found a building there that astonished me. There is Sing Sing prison; the prison itself built 70 years ago, a most wonderful edifice, in my mind, when you consider the time it was built, 1826. There it stands, erect, perfect, not a modern building to be sure, but adequate, an excellent prison at the present time. It is very possible that with the advanced views in regard to building, that a better building might be built. We have already begun to build administrative buildings, utilizing the labor of the prisoners themselves. The convicts of that prison are now building, under proper supervision, an excellent system of administrative buildings. A year from this time those buildings will be erected. They will be a monument to convict labor. So far as I am concerned, I propose that it shall be built by convict labor; in fact it has been made mandatory upon us to build by convict labor, and it will be so built, so far as practicable. And in view of that fact; in view of the buildings that already stand, to which I have alluded, in view of the new buildings that are to be erected there, I think that the new Legislature of the State of New York will not, in my time, change the location of Sing Sing prison. It is very possible that they may build—I think they should build—another prison, perhaps in a more favorable locality. I think the necessities of the time, and the necessities of the territory demand it.



Perhaps all of you do not know that out of the whole number of prisoners consigned to State prisons in the State of New York; out of the whole number—3,500 every year—2,700 or 2,800 going annually from the first and second judicial districts—a large proportion have to be sent away from Sing Sing; and I, therefore, say it would be wise for the Legislature to build another prison in a rural district. It would be wise to build such a prison nearer New York, nearer the counties of Kings and New York; but I hope and believe that the time will be very far distant when the Sing Sing prison will be removed or changed or done away with.

Mr. McKean.—I believe that this new prison ought to be made after modern methods; but it certainly is unjust to the gentlemen on the program to take the time that has already been given them, and I suggest that it be referred by the conference to the executive committee of the Prison Association.

It was moved and seconded that this be done. Carried.

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### PAPER ON ELECTROCUTION.

By Dr. Augustin H. Goelet.

Dr. Augustin H. Goelet then read a paper in opening a debate upon "Electrocution."

As you may doubtless know there has been considerable controversy recently concerning execution by electricity, growing out of the unwarranted conclusions of the French scientist M. d'Arsonval, which have led him to declare that the electrical current, as employed in the New York State prisons, for the infliction of the death penalty, does not produce absolute death, but only a temporary loss of consciousness, and that the subsequent autopsy is necessary to complete the act. He further declared it his belief that resuscitation is possible, and insinuated that the clause requiring an autopsy after electrocution, had been added to the bill to make death certain, as it is not certain without it.

D'Arsonval's conclusions were based upon observations made after accidental shocks from electricity, in which cases he demonstrated the possibility of resuscitation. His opinion was further



strengthened by the apparently negative results of the official examination of the bodies of the first six criminals executed by electricity at Sing Sing prison, made for the purpose of determining the mode of death.

Resuscitation is possible after accidental shocks, because the total energy expended upon the body is small by comparison with that employed for the purpose of execution, and the method of application of the current differs widely. Though the main circuit with which accidental contact is made may have a pressure of several thousand volts, the body, owing to its great resistance may actually receive only a very small part of the possible volume or amperage of the current. It must be remembered also that contact is often only momentary and that the resistance is greatly increased immediately by the charring and burning at the points of contact. As pointed out in an article which I contributed to the "Electrical World," last September, in most cases of accidental contacts only a small part of the current is shunted through the body, the bulk of the current being transmitted over the surface, through the clothing, which is a better conductor, especially if moist or wet.

The clause requiring an autopsy upon the bodies of all criminals executed by electricity, was a wise provision and is evidence of considerable forethought on the part of those who framed the bill. It was not intended, as d'Arsonval thinks, to make death certain, but rather to facilitate scientific investigation.

To settle definitely the question, whether death is instantaneous and absolute, or whether there are any reasonable grounds for the belief that resuscitation is possible after execution by electricity, Prof. A. E. Kennelly, of Philadelphia, and I, at the suggestion of the "Electrical World," were asked to serve as scientific witnesses at the last execution at Sing Sing prison (which was the 24th), and report the results of our observations.

The following is an abstract of that report as published in the "Electrical World," of February 16th:

"The current used was supplied from an alternating current generator, specially wound for a maximum of 2,500 volts. The

fields were excited by a current from a separate dynamo which was controlled by means of a rheostat in the execution chamber. The current was alternated at the rate of 12,276 per minute. (In the earlier executions the rate of alternation was 16,000 per minute.)

"To test the circuit preparatory to the execution a bank of 20 incandescent lamps in series was placed in the circuit in the chair and the current turned on through them. A pressure of 1,740 volts, effective, was registered on both Weston and Cardew volt meters, and this pressure was maintained.

"The electrodes consisted of sheets of flexible brass gauze, covered on the inner surface with flat sponges, which were soaked in a strong solution of common salt in water. The head electrode was shaped into a cap, to conform to the shape of the top of the head, and was held firmly in position by means of straps. The other electrode, which measured eight by three inches, was attached by a strap to the calf of the right leg.

"The criminal was strapped to the chair, the electrodes were adjusted and the signal was immediately given. About a minute and a half was consumed in the preparation from the time the criminal entered the room until the current was turned on. It must be said that everything was done with the greatest possible dispatch, consistent with security of purpose, though there was no undue haste and no excitement.

"The current was maintained at its maximum 1,740 volts and eight amperes, for only four seconds, when, to my mind, death was accomplished and the subsequent period, 53 seconds, during which the pressure was lessened and the current reduced to about two amperes, and again increased to four amperes, before it was finally turned off, was not essential.

"Death was instantaneous and apparently painless, which, in fact, must be true, since electricity travels faster than the nerves can transmit painful impulses. There was no sound emitted and no evidence of sensory impressions. The whole body was thrown in a condition of intense tetanic rigidity the instant the current was turned on, which was maintained throughout the contact.



"I will not go into the details of the autopsy, but will simply draw attention to the salient points, and then read the report of the pathologist upon the specimens of the different organs submitted for examination.

"The superficial veins of the extremities were empty and collapsed, and the tissues were nearly bloodless, but there was marked turgescence of the blood vessels, at the upper part of the chest near the neck, where the cellular tissues between the skin and the ribs was found to contain extravasated blood, showing rupture of the blood vessels. All, or nearly all, of the blood in the body was driven to the internal organs and to the cranial cavity, resulting in rupture of the blood vessels on the surface and throughout the brain. In other words, there was a sudden enforced apoplexy, which was overwhelming. These observations made at the autopsy have been confirmed by the microscopical examination of sections of the brain tissue.

"This state of affairs was doubtless produced by the intense muscular contraction, forcing the blood to the internal cavities, where no such force existed to oppose it. The microscopical examination confirms this opinion since it will be seen, by reference to the report, that the liver was engorged with blood, while the lungs which were compressed by the diaphragm and contraction of the chest walls, contained no unusual quantity of blood, except at the upper part."

Dr. L. E. Oertel, pathologist to the West Side German Dispensary, made microscopical examinations of the blood and portions of the brain, liver and lungs. The following is a brief outline of the most essential points:

"The blood did not coagulate, but remained fluid and bright red in color and did not undergo decomposition, though it was kept in a temperature of 70 degrees Fahrenheit for a month and was uncorked from time to time. On standing, it at first separated into two layers, an upper layer consisting of serum of a light, straw color, of about one-third of the whole bulk, and a dark red lower stratum. The blood corpuscles presented the usual characteristics of those of normal blood. Bacteria which were at first present disappeared after 17 days. (Since this



report was rendered Dr. Oertel has made cultures which show the presence of bacteria still in the blood, though they were not visible under the microscope at the time stated.) After four weeks the two layers into which the blood had at first separated became amalgamated, forming a dark, homogeneous fluid. There was still no evidence of decomposition.

"The liver was engorged with blood; the veins and capillaries being enormously distended.

"The lungs were normal, the vessels not being distended with blood.

"Microscopical examinations of the brain tissue showed numerous hemorrhages into the peri-vascular lymph spaces, and many of the capillaries of the cortex (outer surface of the brain) were ruptured, allowing hemorrhage into the surrounding tissues. The vessels and capillaries were distended with blood and the blood corpuscles were distorted and elongated from being forced into their confined positions.

"The same conditions practically prevailed in both cerebrum and cerebellum.

"The deductions to be drawn from these observations are:

"(1) That the chief action of the electric force is upon the blood and blood vessels, through its action upon the muscular structure throughout the body.

"(2) That the electric force destroys or changes that element in the blood which permits coagulation.

"(3) That some changes are induced in the blood which prevent putrefaction.

"(4) That the force exerted is sufficient to rupture the brain tissue and the smaller vessels of the brain, thus producing universal hemorrhages into its substance. And, finally,

"(5) That the deviations from the normal conditions, as noted, are sufficient to produce a fatal result."

The official pathologist, who examined for the State the bodies of the first six criminals executed by electricity at Sing Sing, might have been able to discover three years ago what has only now been demonstrated, if he had not limited his examination of the brain to one case, the Japanese criminal, Jugigo. In his

report he admits finding in this case minute extravasations of blood on the floor of the ventricle of the brain, and also in the lateral ventricles, due to rupture of the blood vessels, but attached no special significance to them, and, strange to say, did not think this of sufficient importance to warrant a similar examination in any of the other five cases.

From the foregoing observations the conclusions therefore are that the electric current, as employed in the New York State prisons for the execution of the death penalty, produces instantaneous and absolute death and that the resuscitation is impossible, and, furthermore, that death results from destructive lesions directly due to the effect of the current as applied.

We may confidently assert also that the death is painless.

If, therefore, murder, as the law declares, shall be expiated by the death penalty, electricity should be universally adopted as the method of accomplishing this in the most humane manner. (Applause.)

Dr. Irvine of Sing Sing prison, being called upon, said:

I have very little to add to Dr. Goelet's interesting paper. I think of the first autopsies which were held on the first six executed there was a great mistake made by not recording very carefully the lesions found in the brain. I think if that had been done at that time it would have prevented this discussion through the public press. I think that is a very important affair, though at the same time those lesions have been found in every execution. I have witnessed some 13 or 14 electrocutions, and in every one, in a greater or less degree, we have found those lesions; but very little was said about them until the question of resuscitation came up. But I think the examination, or autopsy, made by Dr. Goelet will do away with any idea that there is a possibility of resuscitation after the electrocution.

Alfred Love, vice-president of the Pennsylvania Prison Society.—Dr. Goelet says that the death by electricity is painless. I want to ask him if the approach to that death is painless. It is the imagination of that death that is to take place that is cruel. The pain in death, as a general thing is not agoniz-

ing, but it is the approach, the expectation of the mode of death that is the painful part of it, and for that reason we hope that there will be no more electrocutions.

Dr. Goelet.—It is certainly very painful to the spectators.

Mrs. A. L. Prindle, of the Florence Mission, then addressed the conference on "Discharged Prisoners—What should be done for them."

The afternoon session then closed.

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### EVENING SESSION.

The evening session of the conference was held in Chickering Hall. It opened with an organ recital by Mr. Sanford Latham Norcutt, and music furnished by the band of the Catholic Protectory. A considerable audience was in attendance. The meeting was opened with prayer by the Rev. Sidney G. Law, chaplain of the Tombs.

The president of the association, Mr. Charlton T. Lewis, was prevented by illness from attending the meeting. Eugene Smith, Esq., recording secretary of the Prison Association, was called upon to preside. Upon taking the chair he spoke as follows:

Ladies and Gentlemen.—We are here to celebrate the completion of its fiftieth year by the Prison Association of New York.

It is a matter of sincere regret that by the illness of the president and the absence of the vice-president it has devolved, unexpectedly and unhappily, upon the recording secretary of the association to take the otherwise vacant chair.

I shall confine myself to the very briefest summary of the objects and work of this association, and shall hope to gain the approbation of the audience by condensing within five minutes the record of half a century.

The work of the Prison Association is of a two-fold character. It has a department of individual charity; it has another and wider department of public action.



In the first department—that of individual charity—the association labors to assist the unfortunate and to befriend the friendless among those prisoners who stand accused of crime and are awaiting trial. It aids those who are innocent in procuring evidence to prove their innocence; it extends a helping hand to deserving discharged convicts; it provides them with work; it furnishes them with clothes and with the tools and implements of their trade, and tries to effect their reformation by setting their feet in the paths of honest industry. The records of the association show that during the 50 years of its life more than 150,000 persons have received its charitable administrations.

The other, and wider, field of work of the Prison Association has a more public character. The charter of the Prison Association clothes it with the power and duty of inspecting all the penal institutions in the State. This duty the Prison Association has constantly and faithfully performed for 50 years. It has corrected many abuses against health and against morals, that have existed in the prisons, and has secured many improvements, both in the construction of prison buildings and in their internal regime—that is, the administration of prison discipline. I regret to say that there are many more abuses that still remain, but these have been faithfully pressed upon the Legislature by the association in the annual reports which it makes to that body.

Unfortunately the Prison Association has only the power of inspection, not the power of correction. If it had possessed the power to correct, as well as to observe abuses, I think that a great many of the county jails throughout the State of New York would long since have been laid in ruins—razed to the ground as an unendurable public nuisance and shame, hopelessly beyond the reach of improvement or reform.

The Prison Association has always kept a close watch on the course of legislation at Albany directly affecting the prisons and criminal law, and it has striven to secure the enactment of such laws as should be promotive of prison reform. The most distinguished achievement of

the Prison Association in this connection, relates to the Elmira Reformatory. The charter of that reformatory was drawn by the late president of the Prison Association, Prof. Theodore W. Dwight. It must never be forgotten that Z. R. Brockway was the founder and originator of the Elmira system; but the successful incorporation and the establishment of the reformatory was largely brought about by and perhaps could not have been accomplished without the zealous co-operation and influence of the Prison Association.

The unceasing efforts of the Prison Association to promote good and prevent bad legislation have been already instrumental, at least, in procuring for the State of New York a code of prison laws which was by far the most enlightened and scientific body of laws relating to prisons that has ever been enacted on this side of the Atlantic. I say it was such, for the present constitutional amendment practically abolishing labor in the prisons, nullifies and subverts all the legislation of the past 50 years that has been in the direction of prison reform and the reformation of prisoners. This constitutional amendment has turned back the State of New York to a position far behind that of any of its sister States, and far behind the position which the State had attained 50 years ago when the Prison Association was formed and the cause of prison reform was in its infancy.

It is the great mission of the Prison Association now to secure the repeal of that noxious amendment and to procure the enactment of some wholesome measure which shall restore to the prisoner the right to labor, (continued applause), and through that, the right to hope and the possibility of reformation.

In bringing about this grand consummation, the Prison Association asks your sympathy, and more than that—your active participation and co-operation. (Applause.)

The corresponding secretary, being then called upon, read a number of papers by their title. These will be found appended to this report. Letters of congratulation were also read.

The chairman then called upon the Most Reverend Archbishop Corrigan, who spoke as follows:



**Address by His Grace Archbishop Corrigan.**

I take it as a great honor that the chairman has called upon me to say a few words, and I feel especially honored as it affords me an opportunity to express my gratification of that which you have already heard of the progress of the association. The report was certainly a most interesting one, showing how large a field of work this association has already covered; covering a work that has been beneficial to more than 150,000 persons, besides spreading principles and sowing seeds that will spring forth and give fruit in the future.

It is necessary to create public sentiment to restore labor to those, our fellow men, who are unfortunate enough to be confined in prisons. They should not be condemned to idleness nor denied the right to work; and I heartily concur with the remarks of the chairman when he said, if not in so many words, at least in thought, that "Idleness is the mother of vice."

The treatment of prisoners varies with the standpoint from which the subject is approached. For a long time, the main idea connected with a prison seems to have been that it should be a place of perfect security from any possibility of escape. Many here present no doubt remember well Sallust's description — which they labored over in days, of the prison in which Jugurtha was confined, and in which the associates of Catiline were put to death, Cicero quotes Varro, who speaking of his prison says: "It was called Carcer from the word *coercerem*, which signifies "to confine;" and Tullia vein from its builder Servius Tullius, "to keep within limits," and adds in his own name: "Nothing is so well closed as far as egress is concerned; nothing so entirely defended on either side; nothing better than this can be made or even conceived." In this Tullian prison, which still exists, and which, like thousands of others, I have visited again and again, it is customary to immure criminals guilty of high treason, and distinguished captives, who were brought in chains to grace a Roman holiday. As the victorious general ascended in triumph to the temple of Jupiter on the capitol, the poor captive was hurried off to the prison only a



few feet distant, and the victor remained in the temple rendering thanks to the gods until the messenger returned with the news that the captive was no more.

All the prisons constructed before the Christian era were built for the purpose of making escape impossible. All other thoughts were secondary. Many of these dungeons were noisome, void of light and air; none of them would be tolerated for a moment by modern civilization. With the dawn of the Christian era came the precious knowledge of the human soul, even if the casket in which this gem was enshrined were the body of the vilest slave, and this doctrine as a ray of golden light, so permeated the entire globe that little by little all nations recognized its beauty, and the happy consequence has been the moral elevation of the human race in conformity with this principle. Just as St. Paul in his epistle to Philemon suggested the innate between slavery and the new doctrine of human liberty, so St. Paul's Master enumerated among the chief works of mercy the visiting of captives in prison: "I was in prison and ye visited me." These words of the Gospel of St. Paul—to quote the historian Mochler, were like a seed let drop on a mass of masonry; a tender plant springs up, at first hardly noticed, but its roots begin to spread, they finally acquire sufficient strength to pierce the solid wall, and overcome every opposing obstacle.

In the Middle Ages a second element appears with regard to the treatment of captives—when men of heroic hearts were fired with generous enthusiasm to exert every effort, and on occasion even to sell themselves as slaves to redeem their brethren languishing in exile and imprisonment. The main motive here was the yearning of Christian charity to aid the souls of others. But necessarily, in the accomplishment of this end, other benefits likewise followed.

We read that a single religious order for the redemption of captives—the order of Trinitarians, so called from its cross of red and blue on a white ground—had at one time as many as 250 different houses, and it was estimated, in the seventeenth century, that since its foundation the order had received 30,720

Christian captives. In modern times religious communities of brothers and sisters carry on a similar work of mercy in France, Belgium, Italy and elsewhere, by devoting their lives to those detained in prisons or reformatories, and endeavoring by kindness and gentleness to bring them back to sentiments of sound morality, and to make them useful members of society.

A third principle which has exerted its beneficent influence in the treatment of prisoners is that of enlightened philanthropy which is so happily represented by the association whose jubilee we now celebrate. From the circumstances of the case this association appeals to the broad, generous instincts of humanity and is non-sectarian, yet I venture to think that its underlying foundation, its secret strength, is that great truth of universal brotherhood which was taught the world by the parable of the Good Samaritan. It is true that, primarily, attention is drawn to humane influences, and to the persuasive force of sweet reasonableness, and in this way the society has already accomplished immense and incalculable good.

Permit me to go further and say that the principles which it has successfully taught and imprinted on the public conscience can never be eliminated. With all the influences for good that surround us, with the manifold means of advocating, propagating and perpetuating the dictates of enlightened reason, it is impossible that the world should ever recede to the condition, for instance, of the Tullian prison in the palmy days of the Emperor Augustus.

Humanity marches not backward; we have, therefore, to consider what is our duty in the premises. As we are all a band of brothers, and as nothing that concerns humanity is alien to us, we can not be indifferent to the welfare of our fellow-beings, even if their hands be stained with crime and their evil deeds deserve punishment.

Crimes against society are mainly against property or against the person and are commonly the result of ignorance or misery. Ignorance can be dealt with; it is being dispelled day by day by the diffusion of knowledge; and evidently education is



destined to become more and more universal. Misery is less easily controlled; still, certain checks can be put upon it. In our favored country, for instance, there is no good reason why misery should spread or why crimes against property should increase save from the corruption of the human heart; and this, if I may speak boldly, can be counteracted most successfully by moral suasion and the gentle influence of religion. But, apart from and in addition to this, much remain to be accomplished, and each of us in his own sphere can contribute toward the grand result. Our duty, as well as our interest, it is to guard against the increase of crime. If we turn our attention toward diminishing the incentives to vice and increasing the aids to overcome it, a public sentiment will follow and with public sentiment will come appropriate legislation. How easy and effectual a means presents itself by promoting and assisting just such associations as this, which for 50 years has steadily pursued a course of mercy that makes its members public benefactors.

I trust, therefore, in union with all good citizens, that this association, so noble in its aims and purposes, may grow and prosper; and from my heart I pray for it, as for our country, that it may be perpetual.

Archbishop Corrigan's address was interrupted by frequent applause. At its conclusion, after an organ recital of two numbers, by Mr. Norcutt, the chairman introduced the Rev. Henry Van Dyke, D. D., who made an eloquent address commending the work of the association. The stenographer most unfortunately lost his notes of Dr. Van Dyke's address.

Major Robert Stiles, the founder of the Virginia Prison Association and its first president, followed with an address, the notes of which were also lost. He narrated the history of the Virginia Association and related many incidents of its work; he also dwelt upon the necessity of such volunteer work as prison associations alone can do.



## Address of Rev. K. Tomeoka of Japan.

Following Major Stiles, the corresponding secretary asked leave to introduce the Rev. K. Tomeoka, of Japan, one of the moral instructors in the Hokkaido prisons, and a correspondent of the Prison Association for several years. He spoke as follows:

Mr. President.—It is with great pleasure that I stand here upon this platform with you this evening, to be congratulating you upon the arrival of the fiftieth birthday of your noble society, and, perhaps, some day in the future, I may have the pleasure of welcoming the president of this society at the anniversary of our society at Tokio, in Japan.

Ladies and Gentlemen.—If you will pardon my bad English I will say a few words. I would premise that I am in this country in a private capacity, and not as a representative of the government.

For three years I held the position of "moral instructor" (or chaplain) in one of the large prisons recently located in Hokkaido (or Yezo), as it is called on the old maps; the most northerly island of the empire. It is a savage and thinly-settled country, lying in the same latitude as New England, and with a very similar climate. There are five prisons, containing 7,000 prisoners, all for long terms, not less than 12 years. Each prison consists of many small buildings, scattered over a space a mile square, surrounded by a stockade. The prisoners are dressed in bright red. A large variety of trades are taught by competent instructors, and outside the stockades the prisoners do farm work and cut wood in the forests.

Such is our field of work; in it an interesting experiment is now being made, with the full approval of the central government, which is nothing less than an attempt to administer these five great prisons upon Christian principles. All the moral instructors (or chaplains) in the other prisons of the empire, to the number of 150, are Buddhists. But in the prisons of the Hokkaido the five moral instructors are Christian men, and the general superintendent, Mr. Oinue, is in entire sympathy with their

methods. In all these prisons the latter half of the seventh day is a period of rest. The prisoners are addressed by the chaplain on some moral subject, and such of them as wish gather about him and study the Bible. My Bible class in Sorachi prison numbered 300. Every evening during the week private instruction is given by the chaplain; going from cell to cell. He is always welcome.

There is a magazine published for the prisoners. Those who need can receive a common school education. The influence of all this friendly interest and sympathy has been very marked in the improved conduct of the prisoners. The result is that many of them are permanently reformed, and when they leave the prison they become good members of society. In the little Christian church that we have established in the town outside of the prison, in 1891, many of the members were ex-convicts.

Such is a very bare outline of our attempt at prison reform in Hokkaido. I wish that I had language to give some details.

Last summer, feeling the necessity of wider knowledge in the new field of applied Christianity, I resigned my position in the Sorachi prison, and came to this country, where I have since been studying the details of your Western methods in the various prisons and reformatories. I hope presently to return home, carrying with me much valuable information; the results of your wider and longer experience." (Applause.)

The Rev. John L. Milligan, secretary of the National Prison Association, was then introduced.

### Address of Rev. John L. Milligan.

Mr. Milligan said, in effect, that he had attended the conference to bring the greetings and congratulations of the National Prison Association, and to bear his testimony of the importance of the work that the Prison Association had done and was doing. It has been a great factor in the development of prison reform, not only in New York State, but throughout the country, and he might say the world. He was sure that he expressed the sentiment of the entire National Prison Association, officers and



members, in wishing the association many years of continued activity and usefulness.

The chairman announced that Joseph P. Byers, Esq., secretary of the State Board of Charities of Ohio, was present, to represent his board, and to present a paper by General Roeliff Brinkerhoff, the president of the National Prison Association. General Brinkerhoff had himself expected to be present, but was prevented by an accident. He sent his congratulations. Owing to the lateness of the hour, General Brinkerhoff's paper was read by title, and will be found hereafter.

The meeting then closed with music by the Catholic Protectory band.

Papers of the evening session read by title:

## PRISON REFORM IN THE NATION.

By General R. BRINKERHOFF.

"Prison Reform in the Nation" during the past 50 years is too large a territory to delineate in 15 minutes, even in bold outline, and, therefore, I will attempt only a few mountain peaks in the general landscape. Progress has been slow, and sometimes we feel that it is discouragingly slow, but, nevertheless, there has been progress, and when we look back 50 years to the time when the New York Prison Association was organized, we see there has been some progress in almost every direction.

As time will not permit any reference to details I will only speak of a few principles which have gained general acceptance in the period under consideration, and largely, I think, through the influence of the New York Prison Association:

(1) The objects of prisons, and prison legislation, is no longer punishment per se as it once was, but the protection of society. This principle like the leaven which the woman hid in the three measures of meal, is slowly but, surely leavening the whole lump. For the protection of society it has been found that reformation is better than deterrence, and hence prisons



are becoming moral hospitals for the cure of criminals, instead of penitentiaries for punishing them.

(2) If prisons are moral hospitals then it follows, as the day the night, that commitments to them must be indefinite, so that prisoners can be kept under treatment until they are cured, and hence the indeterminate sentence was inaugurated at Elmira 20 years ago, and is now one of the mountain peaks of the new era. The indeterminate sentence is now authorized in half a dozen States, and is rapidly advancing.

(3) Another mountain peak in our half century landscape is the grading, marking and parole system initiated by Captain Machonachie at Norfolk Island, improved by Captain Crofton in Ireland and perfected by Brockway, Scott and Mrs. Johnson in America.

Auxiliary to this, the classification of prisons, as well as prisoners, is a principle now generally received, and to some extent practiced. In Massachusetts there are now three grades of prisons, one for incorrigibles at Charlestown, one for young men convicted of their first offense at Concord, and one for women at Sherborn. In several other States there are at least two grades of convict prisons.

(4) In the matter of prison punishments there has also been a large advance in the direction of a more humane treatment of prisoners, and that too without detriment to the discipline of prisons. Fifty years ago corporal punishments were in every prison, but now they are the exception, rather than the rule, and in a majority of northern prisons they have ceased to exist, and deprivation of privileges and good time allowances have taken their place.

(5) Education advantages, moral, intellectual and industrial, are almost entirely a development of the new era. Almost every prison now has a chaplain for the moral and religious culture of inmates, and a prison school where the ignorant can at least learn to read and write.

Industrial training also, in many prisons, is a special feature, and prisoners are prepared to earn an honest living when they are discharged.

(6) Another important advance has been the post-penitentiary treatment of discharged convicts by prisoners aid associations, of which the New York Prison Association has been a conspicuous example. The advance in this direction has not been what it ought to have been, but among penologists the consensus of opinion is practically unanimous, that without it reformatory treatment in prisons loses half its value.

(7) I am also glad to say that, in the construction and administration of county jails, considerable progress has been made. At least the principle is now universally admitted by American penologists that county jails should be solely for the detention of prisoners awaiting trial and that every prisoner should be entirely separated from every other prisoner, and nearly all new county jails are being constructed to secure this result.

(8) The largest advance, however, made in America, in dealing with the criminal classes, in the last fifty years, has been in the treatment of juvenile offenders. Their separation from adult offenders is now practically universal, and they are gathered into industrial schools, and so trained and taught that almost as many of them grow up to be good citizens as do those in our ordinary common schools.

(9) Another principle worthy of mention is the probation and supervision of misdemeanants under a suspended sentence, as inaugurated in Massachusetts, and practiced in several other States to a limited extent, and has shown itself worthy of imitation everywhere.

(10) Cumulative sentences are also generally approved, and are now in operation in Ohio, for misdemeanants, and also for felons, so far as to make a third conviction punishable by life imprisonment. This latter feature has been adopted in several other States.

(11) In recent years large attention has been given to prevention, and the general consensus of opinion is, that, in this direction, our greatest victories, in our war with crime, are to be obtained in the future.



Much has been done and more will be done for the improvement of prisons, and the reformation of prisoners, but it is clearly evident that, if we are to make any large reduction in the increasing volume of crime we must rely upon prevention rather than cure, and must go to the fountain head and deal with the children.

Our common schools must educate the hand and the heart as well as the head, and kindergartens everywhere must supplement the common schools.

The greatest work in kindergartens, in America, has been done in San Francisco.

Hon. P. Crowley, chief of police for that city, reports that in 11 years only one arrest has been made out of 9,000 children trained in the kindergartens.

In conclusion, it is cheering to say that when we look back through the vista of 50 years and see what was, and then consider what is, we are able to thank God and take courage, and look forward with hopefulness to the future. In fact, I am very sure that when the New York Prison Association celebrates its next semi-centennial anniversary, or, rather, its full centennial, that those who participate will be able to chronicle even larger progress than we do now.

When we remember how slow the processes of evolution are, and how many aeons of time it has taken to bring the earth to its present development, let us be hopeful and not doubtful, for we know that God lives, and that the trend of humanity is upward and not downward.

We may fail here through want of co-operation with the forces of the infinite, and lose our own reward, but God's elect shall not perish from the earth, and man's redemption shall surely come.

As the great globe swings in its mighty orbit around the sun, and lifts its polar ice crowns into the dissolving summer, so let us have the faith to believe that in the grander cycles of human destiny the long and icy winter of humanity is evolving into the golden summer of the Son of Man.



## EUROPEAN AND AMERICAN PROGRESS IN PENAL REFORM.

By WILLIAM TALLACK.

A paper prepared at the request of the committee of the Prison Association of New York for its fiftieth anniversary, February 28, 1895, by William Tallack, Secretary of the Howard Association, London:

The fiftieth anniversary meeting of the Prison Association of New York suitably affords occasion for encouraging retrospects of the good influence exerted by that body (with others), both in America and Europe, especially through the exertion of its late honored secretary, Dr. E. C. Wines, and his able successor, Mr. William M. F. Round.

Dr. Wines' visit to Europe, with the authority of a delegate from the federal government at Washington, enabled him to arouse, in many directions, a fresh interest in penal reform, and also enlisted much active co-operation in the important work of organizing the International Prison Congresses on a broader and more regular basis than previously. His sagacious judgment and kindly disposition were highly appreciated by his European friends. And in his own country he was most fortunate in securing the persevering adherence, as colleagues, of the late ex-President Hayes, and of General Brinkerhoff, two gentlemen to whom, with himself, must ever be accorded a high position among the leaders of American social progress.

### Efforts for a Via Media.

It may be asked in what respect mainly has advancement taken place in penal reform during the half century?

The reply is that, on both sides of the Atlantic, this has chiefly consisted in efforts to rectify abuses which had resulted not only from previous neglect, but also from well-meant experiments which had been carried to extreme lengths. In a word, the progress secured has been the development, in various departments, of a wise middle course between contending claims respecting criminal treatment.

### Separation versus Solitude.

Half a century ago, a violent reaction had taken place in America, and partially in Europe, against the cruelly extreme isolation of prisoners, which had been introduced in some States, where criminals were subjected to absolute solitude, above or underground, often without exercise or labor, without books or instruction, without visitation from friends, and sometimes even without light. Then an opposite extreme of treatment prevailed, and the corrupting association of prisoners at least by day was almost universally permitted throughout the United States. The results have been a serious increase of crime and outrage. But latterly the intelligent States of Ohio and Massachusetts have led the way to a gradual introduction of prisons based on the sound principle that their inmates should be separated from evil, but not from good influence, a principle which the great State of Pennsylvania had never wholly abandoned.

In Europe the avoidance of prison corruption has made more progress than in America during the half century, especially in Belgium, Holland, Sweden, Norway, Denmark, Germany, Great Britain and latterly to some extent in France also. In England the considerable degree of prison separation adopted has been accompanied by a marked diminution of crime. In Belgium certain observers are apprehensive that the cellular system has been there carried out to an extreme of prolongation and certainly facts appear to warrant such apprehensions as to that particular country. British law has adopted two years as the maximum limit of such separation, an infliction which is, however, almost unknown in actual practice there. An influential commission appointed by the French government, reported the one year might safely be regarded as a limit up to which cellular separation might, with manifold advantage, be carried out. And, as in every country, the majority of offenders are sentenced to imprisonments shorter than one year, the adoption even of that very moderate term, as a general limit of cellular treatment, would constitute a great advance upon prevailing conditions, and would afford a compromise between the advocates of opposite extremes. The tendency of prison legislation,



on both sides of the Atlantic, now appears to be in the direction of some such middle course.

### **Visitors to Prisons.**

The admission of visitors to prisons has been specially facilitated in America, with the laudable desire of bringing beneficial influences to bear upon the offender. In this matter Europe in general still lags behind. But in Holland, Great Britain and some other European countries progress has been made in this respect also.

### **Female Officers for Women's Prisons.**

The practice of placing female prisoners more or less under the care of male officers still prevails too widely, but a great advance has been made during the half century toward a better state of things; and, in the best European prisons, the women are now under the management of officers of their own sex. In America, Indiana and Massachusetts have, of late years, set a good example in this direction.

### **Women at Police Stations.**

In the appointment of females for the care of women under police arrest, the ladies of New York have taken successful action, which has already been followed by partial imitation in other States and in Great Britain.

### **Police Improvement.**

In England and Scotland the police are increasingly becoming valuable aids for the prevention of crime and poverty, and not, as formerly, exclusively penal and detective agents.

Will America also promote this reform?

### **Prison and Free Labor.**

The extensive development of trades unions, which has formed a feature of the half century, has, on both sides of the Atlantic, repeatedly pressed upon the authorities the necessity of measures to prevent prison labor from entering into unjust competition



with honest industry; although, in view of the very small proportions of prisoners in every community, the estimate of such danger has been much exaggerated. But here, also, opposite extremes still require to be avoided. On the one hand, there is no doubt that certain prison workshops, employing many inmates, and occasionally aided by steam-power and machinery, have tended to undersell free products, and so to inflict hardships upon deserving classes of the community. But, on the other hand, in seeking to prevent this evil, legislation has occasionally, in America and England, been unjust, both to the taxpayer and to the prisoner, by enforcing a greater or less degree of idleness, or of unsuitable occupation in prisons. Both extremes are bad.

The cellular system, with its comparatively slow industry, tends to diminish the competition complained of, and the introduction of the Swedish system of instruction in "Sloyd" would be very desirable as a prison occupation. For its subject is rather to lead to the skillful use of tools in the future, than to turn out any immediate quantity of work. Criminals may thus be given a maximum of industrial training with a minimum of salable production.

### Reformation and Deterrence.

Another difficult and important problem still awaiting adequate solution, both in England and America, is the adjustment of the reformation and deterrence of evildoers. In the past there was certainly too much severity to criminals, but latterly an opposite extreme has found many advocates amongst persons more characterized by benevolent wishes than by a knowledge of facts.

In the chief European nations, a safe middle course in this matter appears to have been more nearly approximated than in America, where Mr. John Burns, M. P., has lately proclaimed, "your prisons are too good."

Suppose we take the case of an honest workman, say in New York or San Francisco, toiling from morning till night, just able to get a living, but with few comforts and little amusement for himself and his family. He may have for a neighbor, on one

side, a lazy, thievish loafer who never works, and on the other side a violent bully, guilty of cruel assaults on man and beast, and of indecent outrage on women and children. Yet is it not a fact that if either the loafer or the bully is sent to an American prison, the chances are, at present, that he will there find comforts of dietary, recreation, music, newspapers, novels, gymnastics and professional teaching, even in the higher branches of education, which the honest worker can never hope to obtain? And not only so, but the bully and the thief, if obliged to work in prison, will probably be put to labor of a lighter character and shorter daily continuance than the other, and perhaps, also, be trained to some fancy trade or profitable art which he too would most gladly learn.

Is such a system calculated to discourage the violent and the vicious, or rather to attract towards crime and pauperism the still honest toilers on the borderland of temptation? On both sides of the Atlantic this course has found plausible advocates, but their voices appear to have met with much more attention hitherto in America than in England.

### The Prison Not a Panacea — "Probation."

The half century has brought an increasing connection that the reformation of offenders is not solely, or even mainly to be attained by imprisonment, but rather by well administrated conditional liberation under the continuing control of the authorities, but with the discipline of self-supporting labor amid ordinary competition and family relationships. Massachusetts has been an honorable pioneer of this "Probation System" both for youths and adults. In England it has made progress. The English "First Offender's Act" was an important step in this direction, as also the "British Ticket of Leave" system, under its improved provisions for combining the welfare of the offender with public security.

### A Progressive System of Sentences.

In connection both with imprisonment and conditional liberation, Europe and America in general still need a greatly improved



system of sentences. For it may be questioned whether any regularity in this department exists at present. A progressive system with a very gradual, but certain, cumulation of detention, both for habitual misdemeanants and criminals, is a principal remaining desideratum for penal reform in the United States and also in Great Britain and her colonies.

For sentences on reconvicted offenders hitherto have often consisted either of extremely hasty and severe addition to the first infliction, or else of continued repetitions of very brief imprisonments for a few days or weeks; each course has been a failure.

The longer periods of detention ultimately involved by progressive cumulation should not be spent in cellular imprisonment, but in places of the nature of adult reforms, inebriate asylums and other institutions for handicraft industry, or land cultivation, and for moral rather than penal discipline; but with terms of control adequate to form abiding good habits. Cellular prisons would be only needed for short and sharp detention, from the preliminary stages of treatment and as a reserve punishment for offenders relapsing during their detention in the reformatory establishments. What have hitherto been termed "indeterminate sentences" are at best unsatisfactory, in so far as their termination is usually based on the evidences of reformation afforded by behavior in prison. But this is notoriously deceptive. For the worst criminals are often the best prisoners. A gradually cumulative system of sentences would facilitate both the successive detention and liberations of reconvicted criminals, on a basis no longer vague and arbitrary, but definitely and justly progressive.

### Criminal Statistics.

The half century has witnessed, on both sides of the Atlantic, a great advance in the preparation and publishing of criminal statistics; though the adoption of a more uniform basis for these is still desirable in various respects. In America, Dr. F. H. Wines, Mr. H. H. Hart, Mr. Beyers, and others, have rendered

excellent service in this and other departments, as also have the various boards of State charities.

### Prevention Better Than Cure.—“Child Saving.”

Prevention is better than cure. Measures to obviate criminals are ever far more important than those for its punishment, and amongst these, a foremost place belongs to the great work of “child saving”—a work in which, during the half century, the United States have set a splendid example to the world, especially in connection with the labors of Messrs. C. D. Randall, of Michigan; O. L. Brace and W. P. Letchworth, of New York; H. H. Hart, of Minnesota; L. F. Alden, of Indiana, and many other good men and women in all parts of the Union.

Great Britain has also made most cheering progress in this department during the half century by means of its development of reformatory and industrial schools; and still more by its universal establishment of school boards throughout the country.

### Temperance.—The Religious Basis.

Inasmuch as intemperance is a chief cause of crime, all wise measures for the diminution of that great evil are also valuable as preventives of the other. And here the United States with Canada have gone ahead of England and other European countries. There is reason to fear that more drunkenness still exists in Great Britain and Ireland than in any other nation. Whilst on both sides of the Atlantic legislative measures for taxing the profits and limiting the places of sale of alcohol has a certain efficiency, it is mainly moral suasion and per example that must be relied upon in this matter, aided and promoted by the influences of the church, the teacher, the parent and the individual conscience.

For not only penal reform, but all departments of social progress, must continue to be based upon that foundation of religious moral motive, which experience has shown to be most fruitful of success.



## GERMAN PROGRESS IN PENOLOGY.

By Dr. WOLFGANG MITTERMAIER, of Heidelberg, Germany.

The study and knowledge of foreign institutions always was and is still popular among Germans, and especially jurists try to know and to learn foreign law; be it even that of the ancient Indians. But hand in hand with this theoretical study goes that of turning into practical use the experiences gained by foreign institutions; this is not so easy as the first and requires a thorough understanding of foreign life, which is hardly so widespread among the German elements as to be generally a guide to practice. Before the new cult of comparative law is developed sufficiently to furnish us with well-founded maxims and to exert an influence upon practical life, some time must still elapse.

But we, in Germany, go on our quiet way and consider the subject one of universal importance. We are glad to find in American books many useful observations about our institutions and to remark that Americans, even more than their English cousins, come out to study our prisons to their own benefit. Therefore we will venture to give some information about urgent prison questions in Germany during the last few years, and to show the course we intend to take in the immediate future.

Though, unfortunately, we can not discover in Germany that vivid interest in prison matters, especially for reformatory questions, I was pleased to remark that Von Liszt elaborates from his high standpoint (the most difficult task) of comparing all the laws to find out the leading ideas in them.

Penology is a science much discussed here among those interested in social progress. It is crystalized in the important and thorough changes noticeable in penal law; it is considered not only an independent subject but a branch of wider social science, problems closely connected with it. Such excellent publications as Von Holtzendorff's and Von Jagemann's "*Handbuch des*

\* I may mention here the grand work inspired by that pioneer of German criminal law, von Liszt-Halle, edited by the International Union. "*Die Strafgestzgebung der Gegenwart in rechtvergleichender Darstellung*," (Penal laws of our days, compared with one another) Berlin. O. Liebmann, 1894, the first volume of which — "*Das Strafrecht der Staaten Europas*" (Penal laws of the European countries) is just out.

Gefängniss-wesens" (hand-book of penology) Hamburg, I. F. Richter, 1888, or Krohne's "Lehrbuch der Gefängniss-kunde" (System of Penology, Stuttgart, Enke, 1889) prove this as well as the monographies of Sichart; "Entwurf eines Gesetzes über den Vollzug der Freiheitsstrafen für das Deutsche Reich" (draft of an act concerning the execution of punishment through imprisonment, Berlin, Guttentag, 1892); or of Dr. Appeliu's "Die Behandlung jugendlicher Verbrecher und verwahrloster Kinder" (treatment of juvenile delinquents and truant children, Berlin, Guttentag, 1892), or the flood of books or articles about indeterminate sentences and conditional condemnation and other points of penology.

In nearly every number of the old reliable "Gerichtssaal" of Stenglein or of Goltdammer's "Archiv für Strafrecht," or of the newer but energetic "Zeitschrift für die gesamte Strafrechtswissenschaft" (comprehensive reviews of penal law), we find articles on reviews concerning prison matters; the "Deutsche Juristentag" devotes a good deal of time and work to those questions in every congress; the sessions of prison officers are well attended, as, for instance, that of the "Verein der Deutschen Strafanstalts-beamten" at Braunschweig, in May, 1894; their publication as the "Blätter für Gefängnisskunde" after Eckert's death edited by Dr. Wirth, at Plötzensee), or the publications of the Northwest German Prison Association, are as flourishing as ever.

In the university lecture-rooms or in the systems of penal law, penology takes a broader part (see Liszt Lehrbuch des Deutschen Strafrechts, 6th edition, Berlin, Guttentag, 1894); I mention the courses held at prisons in different States for judges or jurists taking a special interest in prison management as, for example, the best one, held in Freiburg, Baden, in October, 1894.

On the field of legislation Switzerland published its most remarkable draft of a criminal code, and Austria has discussed her own one for a long time.

And you ask the cause of this movement going through the whole field of penal legislation? It is the marvelous rise of all sciences in our century; the development of history and histori-



cal feeling makes the development of our institutions clearer to us; the social sciences with the statistics, medicine with **psychiatry**, anthropology and psychology, move all the foundations of our thinking. We see the old forms, worked out in early centuries, rigid in their old age and not strong and expansive enough for the new life. Jurisprudence, as the most conservative science, could not quite keep pace with the other, therefore, a deplorable feeling spread among the people, that its scientific standpoint was not so high as that of other branches of social science; but now there is an admirable zeal among the new generation to do justice to the new ideas and tasks and to bring new order to the new life.

A. Now let us take up some new points of this movement and I shall speak at first of the prisons themselves:

It is well known that the German empire has only a few leading paragraphs concerning the prisons in its penal code (see Geoffrey Drage, "The Criminal Code of the German Empire," London, Chapman & Hall, 1885, and the second annual report of the Commissioners of Labor, 1886, Washington, U. S., Convict Labor, p. 436), but published a draft for an act for the execution of punishment in 1879, widely discussed since then. But the dispute about the two systems, congregate and separate, and the expenditure of about \$25,000,000, prevented it from becoming a law, and so late as 1894 at the Braunschweig Congress, the resolution was passed that "The Association of German Prison Officers shall demand that the execution of punishment must be regulated by law, on account of the fact that otherwise a uniform application of punishment throughout the German empire is not possible."

This non-uniformity in the German States will be first of all remarked in the system of either separate or congregate confinement. Most probably, the quarrel about these two systems will never cease. In the draft of 1879 it was decided that punishments in penitentiaries and prisons (*Zuchthaus* and *Gefängniss*), begins with separate confinement of at least, respectively, six and three months' duration; that

congregate confinement of the inmates is always unadvisable and may only be administered, if it is not deemed detrimental to the other prisoners, according to their behavior and character, and even then over night the inmates must be kept in separate cells.

This would be a great step in advance of our now existing systems, when only in a few large institutions cellular confinement is strictly adhered to; but even in these for want of room, not a small number of prisoners live in community, as all of the inmates do in the other prisons, in some cases separated over night in cage-like departments, but in one large room. Certainly that is no system at all. And, though not all writers on this subject go as far as Krohne, at the present day here in Germany all agree that strict separation is the only system in which the main object of punishment may be obtained; which is (if we do not consider the idea of retaliation) reformation of the individual to the end of the best protection of society, and avoidance of the dangers arising from criminal contamination.

From the point of view that no delinquent may be called incorrigible in advance, some demand separation for all, others wishing "classification," a system defended and opposed from various standpoints, are of the opinion that, at least for the worst kind of inmates, separation is a too costly benefit, and that these can and should be kept in community.

I may mention here the opposite idea in the "Special report of the Commissioners of Prisons of Massachusetts upon a new State prison, March, 1894," where a separate building is provided for the safe discipline of incorrigible offenders that is quite new for Germans. I dare add here the regret, that in working out this excellent report the commissioners did not know the "maxims of construction and institution of cellular prisons." (*Grundsätze für den Bau und die Einrichtung von Zellengefängnissen.* Freiburg, Baden, 1885.)

The idea of classification is asserted by Sichart in his admirable work, and his position is defended by many Germans. It must be borne in mind that our law makes, in its system of pun-



ishment, a difference according to the abstract dangerousness of crimes, but that practice most obliterates the difference between "Zuchthaus" and "Gefängniss." A great many say that we shall come to only one sort of imprisonment, but Sichert declares, with the great strength of argument,\* "No, we must make a finer distinction, and, as we do not punish the abstract crime, but the criminal, we must distinguish according to his anti-social character, as proved by his crime and as recognized by the court." So let us strike the worst probably incorrigible elements, mostly the recidivists, as severely as possible, with less regard to their reformation, keeping them at hard labor in congregation; those likely to be reformed we must reform in separation; but the best class, scarcely needing any reformation, as the criminals through excitement or by opportunity, we may keep together in easy community.

I can not criticise this project here, certainly it is a very remarkable one, worthy of being thoroughly discussed and capable of being introduced even without great changes in the administration of our existing institutions. Americans will easily observe how near it comes to some ideas in the system at vogue in the Elmira reformatory.

But of what use is all this, if we do not care for the great mass of petty offenders and for the beginners in crime, kept in the houses of detention for juveniles? These prisoners are confined up to four months and longer, often in well-constructed buildings; but in these, with few exceptions, there is not yet any rational system introduced of separating or of occupying the prisoners, nor, I may add, any rational system of morally influencing them by school or chapel. Not very often, I hope, but not seldom it occurs here that juveniles are together in the same cell with hardened criminals and that for many days there is no real work for the inmates to do. (I especially except, however, the Grand Duchy of Baden and some of the smaller states, where there is considerable laxity in the conditions mentioned, but must name Prussia as a state with far worse institutions.

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\*See "Prins Criminalite et repression" 1886, and Wahlberg in Holzen-dorff's handbook, vol. I, p. 131.

No wonder that these places are called schools of crime, since for vagabonds, prostitutes, hardened criminals, they are places of leisure. That a change must take place here as soon as possible no one denies, and some proposals have been made, how to replace a great many of these short sentences, which are often no punishment at all for the elder criminals and but a step downward on the path of crime for the beginner, or a stroke of destruction for an innocent man coming into prison by some unhappy chance.

Some demand the abolishment of all those short sentences and the substitution for sentences of a fortnight or even two months, or a more elaborate system of fines; some wish to keep short sentences, only strengthening their effect on one side (see hand-book, book five, chapter I, page 5, by Jagermann, and "Transactions of the Verein der Deutschen Strafanstaltsbeamten, at Braunschweig, 1894," in "Blätter für Gefangniss-Kunde," vol. XXVIII, separate edition. Also Dr. E. Rosenfeld, "Welche Strafmittel können an die Stelle der Kurzzeitigen Freiheitsstrafe gesetzt werden?" Berlin, Guttentag) and making them less pernicious on the other. First offenders should be condemned only conditionally, and recidivists or all unworthy of any indulgence should undergo a most rigid treatment; that the feeling of being really punished should deter them from crime. But the single details of such a system are not yet clearly developed, nor equally adapted and acknowledged by the different theories and not yet tried by practitioners. For example, conditional sentences have already very different forms in different countries, and, therefore, their adoption, not for juveniles only, but for adults, demands a careful attention to the results of the different systems, so far as they have been tested, together with which we need a thorough change in our police supervision, which is still in a very primitive state, and for the more effectual execution of punishment, a demand heard more and more daily.

The different methods of stricter discipline are still to be discussed. I may only mention as of interest that gradually



theory and practice are beginning to favor corporal punishment (as a matter of prison discipline) for juveniles and for the worst elements in certain rare cases, but strictly according to regulations.

The newest and most important work on the question is by Professor Karl Hiller, Czernowitz: "Die Disciplinarstrafen in den Österreichischen Strafanstalten und Gerichtsgefängnissen" (discipline punishments in the Austrian Prisons, Wien and Leipzig, Deutke, 1894).

Less discussed than the two former questions, because to-day certainly of less importance in Germany than in America, is the point concerning convict labor. I have not much to say about it; the public account system will be most probably the German one. There is a very good article about this point in the commissioner's report on convict labor, 1886, p. 432. I may only add that nowhere in Germany the business standpoint in the matter outweighs the standpoint of education and discipline.

B. I have spoken of the prisons, but everywhere the marvellous development of natural science induces us to speak more to-day than formerly of the nature of delinquents themselves. Of course, I have to name two classes, which are the favorite objects of discussion. First the juveniles:

There is an excellent report given about the subject by Dr. Appellius. His demands may be deemed as generally accepted (with some exceptions), by the German Theorists, and as everywhere acceptable. He pleads for an imperial law concerning treatment and punishment of juvenile delinquents and truant juveniles, going further than the now existing laws. A higher age must be fixed for limited criminal capacity, instead of 12 that of 14 years (or perhaps even 16 years) though the age for full criminal capacity now fixed at 18, is not attacked by the majority, for the truant and vagrant children as well as for the juvenile delinquents there must be founded a wide system of reformatories, instead of the few now existing institutions and the family plan is commended, considering that a reformatory education rather than punishment is the necessary aim. Certainly, the

absolute separation of the juveniles from grown-up persons, as we have already mostly introduced it, must be guaranteed. And as not all the regular punishments are fit to be applied to juveniles, this system must be a special one, as it is already nowadays, to a certain degree, where a system of conditional liberation may be introduced. In the same way a boy should not be brought before the public in the regular court, where he may be looked upon as a young martyr by his friends, and so we must introduce methods of judicial procedure. We dare earnestly trust that development of this system will be a quick and beneficial one, though the draft of our new Civil Code, does not yet justify our hopes; I am of the opinion that such a system and its discussion makes German lawyers more favorable to the American ideas of reformation as realized in the Elmira and other systems.

As a second class of criminals I have to speak about recidivists, with the treatment of this class there is a movement going over the whole world, and it is familiar to most of those whom this paper will reach. For this reason I need just state here that our German system of criminal registers as well as of criminal statistics furnishes us with excellent figures in dealing with this question. But how far we are still from a satisfactory solution of this vexed question, is plainly shown in the newest German work on the recidive by J. Sacker: "*Der Rückfall*," Berlin, Guttentag, 1892.\*

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\* I quote here some figures about second offenders for 1892, from the statistical year book of the German Empire, 1894 (not including police sentences):

Sentenced in all .....	422,327
Second offenders .....	146,691
That is from 10,000, over 12 years, sentenced .....	119.9
Second offense in percentage; at all.....	34.7
Second offense for crimes against property .....	39.8
Second offense for theft .....	40.6
Second offense for embezzlement .....	41.2
Second offense for fraud .....	50.9
Second offense for robbery .....	60.3

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But here "recidive" is not used in its German legal sense.



C. Now, besides the points just referred to I could fill chapters only enumerating all the other questions of somewhat minor interest, but taking a fair share in the discussion of our discipline. I name here the question of workhouses for vagabonds and prostitutes (mentioning the new system of Belgium and Switzerland), and that of the released prisoners.

Allow me a few more words to tell of some points at the present time only discussed in theory, but, nevertheless, highly interesting for the German penologist, and, surely, very remarkable symptoms of the state of our investigation and trend of our practice in penal procedure.

As a German lawyer, I must here point out at first the old discussion about the so-called "theory of punishment," which was stirred up anew in 1879, and again is at high tide, though seemingly passing over the former metaphysical question, whether punishment follows absolutely the evil as vengeance, retaliation from a high ethical idea, without any further aim, or is an instrument of the State's power, one of its means of self-defense, founded in the necessity of deterrence, and an element of reformation to the evil-doer. The quarrel of to-day almost only concerns the different aims, that punishment has to fulfill in the State; for instance, Liszt, as a leader of a movement, takes the ground that the "punishment looking to certain aims" is granted and just, adds, "that it is also necessary to support the law and State."

Holders of both the old theories form new groups in the dispute about the practical realistic end, whether the crime must be punished, or the criminal. It is no longer so much the old philosophical question, "Why do we punish?" that excites the masses; it is the pure legislative one, "Shall we take our measures according to the importance and the outer results of the act, or according to the whole inner character and behavior of the criminal?" And quite naturally those measures must widely diverge in the different cases.\* Concerning this practi-

\* See von Liszt, *System*, p. 62, § 15. Richard Schmidt, "Tasks of Criminal Law." Prof. Merkel: "Vergeltungsidee und Zweckgedanke im Strafrecht." (Ideas of retaliation and tendencies in Criminal Law.) Strassburg, Trubner, 1892.

cal dispute, to-day the majority is still of the opinion that we should not give up the basis of our whole criminal law by giving up every distinction between the different kinds of crimes, or by abolishing all measurements of punishment, but that in keeping the old foundation, we must only find a more suitable system of repression according to the new conditions of social life, and this will also be the way of our development.

I do not enter into an explanation of this position, but state it to show how much our theoretical studies are influenced to-day by the demands of practical life. Practical experiences and realistic considerations are the cause that we Germans begin to connect systematically criminal policy and criminal sociology, which sciences predominate now so much in France and in Italy and which are pursued. There is a large school who regard crime quite as a product of social life and speak of punishment as one way among others to sustain society. But if in the course of this development criminal law should quite lose its systematic independence, Germany will no longer pursue these ideas, and especially penology will be claimed as a part of penal law and never be subordinated to sociology.\*

In this investigation we appreciate the high value of correct and minute figures and are improving our statistical system, we find out the necessity of an exact knowledge before there can be satisfactory conclusions.

We must know accurately of the social factors crime and of the anthropological nature of the criminal before we look about for improvements in the systems of penology and try to adopt them. Only lately have we in Germany a few good books on the criminal\*\* in which we remark that in Germany only very few

\*Von Liszt's Report given in the fourth volume of the "Communications of the International Criminalistic Union," p. 125, is very interesting, but\* will not convince many German lawyers.

\*\* Dr. Bahr: "Der Verbrecher in anthropologischer Beziehung" (The Criminal; his anthropology). Leipzig, Thieme, 1893. Dr. H. Kurella: "Naturgeschichte des Verbrechers" (Natural history of the criminal) Stuttgart, Enke, 1893. Dr. Nacke: "Verbrechen und Wahnsinn beim Weibe" ("Crime and Lunacy in the Woman.") Wien and Leipzig, 1894. Besides these works all the books of Lombroso and that of Hovelock and Ellis are translated into German.



(among them Kurella) follow Lombroso's theory of "the criminal type," which in France and in late years even in Italy, is more and more questioned; nevertheless the anthropological singularities so often remarked in criminals are carefully observed and studied here, and our phsychiarrists point to the great number of degenerates and lunatics among criminals. But the social influences, the "milieu social" are looked upon by all as of deciding value.

In this connection the discussion about the indeterminate sentence and conditional liberation must be noticed. Both questions are still called undeveloped problems; legislation does not like to run the risk of introducing those "foreign un-German institutions," and the ever deplorable want of money makes us economize every where. A great majority is not inclined to improve our system by degrees but wishes to await a profound change; so the dogmatic dispute in its slow progress makes them forget to take up good arms already tried in the war against crime.

How German penologists discuss the question of conditional condemnation I told in a former part of this paper. The other question of indeterminate sentence is less discussed from its practical standpoint, but more from the philosophical point of view, how it may be adapted to the different theories of punishment. And as these are still so much disputed, it is no wonder that the often-repeated, loud demand for introducing indeterminate sentences is mostly approved by the inherited feeling, which is still prevailing here, that there must be a "full and just retribution" for crime. Therefore, the opposition here will be a long and a very strong one; it is assisted by the slow development of our anthropological and psychiatric knowledge of the criminal, which sciences principally govern us in the matter of indeterminate sentences.\* Yet, in certain points, we are adapting this idea to our system and so we hope to come to a sound result; we have already a good system of conditional

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\* Dr. Krapelin: "Die Abschaffung des Straf maasses," (Abolition of definite sentences), Stuttgart, Enke, 1880.

release; also we discuss with earnestness an absolutely, indeterminate plan, even to life-confinement, of habituals and of persistent vagabonds.\*

I have now pointed out the most significant tendencies in the development of German penal institutions. I will not forget to remark that, as the German penologists take different standpoints, they diverge greatly in their judgment on all those questions. Yet, it is surprising how the different systems recommend the same remedy, when they find all the same evils. To judge and punish every man according to his individuality and according to the different features of his crime, is always the object to be reached.

So, the quarrel about systems will not delay our development, which is promoted by the practice itself. The combination of practice and theory opens to us a profound discussion of many interesting matters; it gives us a sound basis and always a fresh energy for work. We can congratulate ourselves already and are full of hope for its future. And even if we never come to the best results possible, our endeavors will always be worthy of careful attention in a time when national feelings are more and more bridged over by international commerce and science.

WOLFGANG MITTERMAIER.

Heidelberg (Baden), February, 1895.

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## THE WOMEN'S PRISON OF INDIANA.

By CLAIRE A. WALKER.

Indiana has the honor of being the pioneer State in the establishment of a separate prison for women, under the exclusive control of women. Prior to 1869, the women convicts of the State were confined in jails, or in the State prison for men. About 1865 a movement was started by members of the Friends

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\*See Richard Schmidt's book and the fourth volume of the "Communications of the International Criminalistic Union," 1893. The question will come before the next session of the Union.



Society, to change this condition, and in 1869 the General Assembly passed a bill, establishing a separate prison for women, with a reform school for girls attached, both institutions being under the same board. Originally the board consisted of men, but the law provided for a woman superintendent, a complete corps of women officers and a corps of women visitors. The institution opened in 1873, with 17 prisoners. In 1877 the executive capacity of women having been sufficiently demonstrated, the law was amended so as to make the board consist exclusively of women, thus placing the institution entirely under the control of women; and so it has continued from that time to the present, the Governor of the State being ex-officio an advisory member of the board. The institution is visited every two years by a committee of members of the General Assembly. The management of the institution has been uniformly successful, and has often been complimented by the Governor in his message, and by the General Assembly.

When the prison was first established the female convicts who were transferred to it from the male prison were in a very demoralizing condition. They came in shackles, smoking pipes, chewing tobacco, and using foul language of every description. Then, there were seventeen (17) prisoners; now they average about fifty (50), and there has been a wonderful change in their conduct. Under kind and judicious treatment they have become comparatively docile. The government and discipline of the prison rest almost exclusively on moral suasion—the most severe punishment ever resorted to being solitary confinement. Tobacco in any form is not allowed. Each prisoner has her separate room, which she is permitted to decorate to her taste, with pictures, plants and articles of handiwork. They do this to a great extent, and find much comfort and happiness in it. There is scarcely a cell but that has its hanging vines and potted plants the year round. Every room has its spring bed, and the managers of the prison endeavor in every reasonable way to develop the better instincts of the prisoners, and make them feel that they are not outcasts. The officers of the prison are entirely

unarmed, and there is not a weapon of any description in the building.

The prisoners are employed during working hours in the manufacture of overalls, mattresses, quilting, laundry work for city customers, dressmaking and fine sewing to order.

There are 15 acres of ground attached to the institution, about one-half of which is utilized as a garden; with the exception of the plowing, the prisoners do all the garden work; the result being an abundant supply of fresh vegetables each year.

We estimate that about 70 per cent. of those discharged from the prison become orderly and useful members of society. Of a total of about 600 who have been sent to the prison, only 15 have been recommitted. In conclusion, I may say that the Indiana experiment of a prison for women convicts, controlled and officered exclusively by women, has been in all respects eminently successful, and has received many expressions of warm approval from the officials of this and other States.

CLAIRE A. WALKER,  
*Manager.*

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### Review of the General Society of Prisons of France.

On the 5th of June, 1875, after the French National Assembly had passed a law which prescribed the separate system for the execution of the penalty of imprisonment for a short term (a year and a day) some resolute and far-sighted men maintained that this useful reform could only be brought to a satisfactory result by shaping current public opinion, sufficiently accentuated, to overcome all tedious opposition. Some persons, strongly prejudiced, considered the cellular confinement inhumane.

The promoters of the law of 1875 (1), actively seconded by two gentlemen of wealth, Messrs. Leon Fefibure and Fernand Desportes, undertook to found in France, under the title of General Society of Prisons, an association, which, according to the example of the Royal Society of Prisons, created during the restoration, and disbanded in 1830, would engender a determined



opposition to the threatening progress of the recidive (incorrigible).

Eighteen years have gone by since the foundation of the General Society of Prisons, authorized by the resolution of the 22d of May, 1877, and signed by the prefect of police, Felix Voisin (2).

The importance of the works of this association is attested to by the numerous articles, memoirs and monographs contained in the 18 volumes published under the title of *Penitentiary Review* (3); by the open investigations made in France as well as in foreign countries relative to the most important questions about criminal science; by the reviews publishing the inner workings of the institutions of patronage devoted to the young and the aged; by the accounts given of the books and treatises written about the penal code, in short by the reproduction of the principal public discussions in the memorable international congresses held in England, Sweden, Russia and Italy.

The first reunion of the General Society of Prisons was held on the 7th of June, 1877, under the presidency of M. Chas. Lucas, member of the institute, dean of the penitentiary science in France, and one of the founders in 1833, together with M. Berenger de la Drome, peer of France, president of chamber at the Court of Cassation, of the first society of practical patronage devoted to imprisoned and liberated youths.

In a magisterial discourse, M. Charles Lucas reduced the numerous problems of the science to these terms: Prevention, punishment and reformation.

It is in conformity with this program that the General Society of Prisons has prosecuted without cessation its labors under the successive presidency of the most eminent men: M. Dufaure, former minister (1877-1879); Mercier, first President of the Court of Cassation (1880-1881); Rene Berenger, Senator (1882-1883); Betoland, president elect of the Order of Barristers of the Paris Court of Appeals (1884-1885); Berenger (1886-1887); Ribot, deputy (1888-1889); Petit, counsellor to the court of cassation (1890-1891); Cresson, president elect of the Order of Barristers to the Court

of Appeals (1892-1893); Felix Voisin, former minister of police, counsellor to the Court of Cassation (1893-1895); and under the direction of those two generous secretaries who, animated with the most ardent zeal and devotion, gave every moment of their time to the subject, M. M. Fernan Desportes and Albert Riviere.

The principal occupation of the society has been to combat the progress of incorrigibility in the following instances:

1. The application of the law of 1875 on solitary confinement.
2. The organization of the system of patronage (i. e., the letting out of prisons on trial) for the term of detention and subsequent liberation, both for the benefit of the young and the aged.
3. The exercise of conditional liberty.
4. The study of the influence of light punishment for the first offense.
5. The measures to be taken for controlling the practice of mendicancy and vagabondage.
6. The most practical reform of the laws regarding deportation and banishment.

If one adds to these principal questions the publications made both in France and in foreign countries relative to the preparation of the study of these multifarious questions, a complete review of the societies and institutions of patronage, and the analyses of the works published on the penitentiary reform, as well as the description of the labors performed by the various international congresses since 1877, one will have a concise idea of the value of the information contained in the 18 volumes of the "Penitentiary Review," which includes a veritable encyclopedia of the essential data of this science.

We can not undertake to give here an account of the numerous problems, but it will suffice to briefly indicate the determining action which the General Society of Prisons has exercised for this solution, as well as for the preparation of questions still to be studied.

### Solitary Confinement.

In order to facilitate the application of the law of the 5th of June, 1875, the General Society of Prisons has occupied itself in opposing, by means of a report submitted to the general councils



departmental assemblies (invested with authority to vote the necessary funds for its construction), in opposing, let us say, the prejudice tending to represent solitary confinement as inhumane. Further, by means of an open investigation, in France, as well as in foreign countries, relative to the value of cellular imprisonment, and by a public meeting for the establishment of means and ways, the society succeeded in demonstrating that solitary confinement is the best and most efficacious precaution to take to obviate the repetition of crime (recidive); further, by an interesting statement absolutely determining from a financial point of view that the estimated cost of incarceration at 6,000 francs, 5,000 francs, and 4,500 francs, could be reduced to 3,000 francs.

This campaign, undertaken for the purpose of winning public opinion over to sentiments favorable to the application of an isolated system, has not been without its influence on the vote of the law of the 19th of January, 1893, which realized a progress over the previous state.

### Patronage (Guardianship).

Experience shows that the patronage system to a term of detention, whether referring to infants or adults, can not prove beneficial in prisons in general.

The study of patronage, under various forms, imposed itself, therefore, on the Prison Society, in the first instance, after the question of isolated imprisonment. In this order of ideas, too, the action of the society has been a determining one. It has contributed much to awaken and preserve in France a movement of spirits which, at first opposed to the practice of patronage, called "generous illusion," began, after two years, to display these significant manifestations: In the first place, National Congress, which organized directly a system of patronage through its imitative and attention in Paris in May, 1893; (4) then the Congress of Lyons, in June, 1894; and finally the creation of a central bureau designed to strengthen the bond between the various societies already existing in France and to instigate the forming of new societies.

### Conditional Liberation.

To shorten the time of detention, when signs of improvement manifest themselves in the prisoner, and to hold him under the supervision of the patronage department, with threats of reincarceration in case of misbehavior—such has been the occupation of the legislation of 1885 (Laws of August 14th). The measures which it has adopted had been in many resummptions examined and discussed at the meetings of the General Society of Prisons. The results of this law have been satisfactory. Since 1888 we read in the "Penitentiary Review," pages 871 to 876: "The experiment of two successive years has been conclusive. During this period, 700 convicts have been conditionally liberated. One person only has shown himself strongly unworthy of the measure taken in his favor. The Minister of the Interior has had but one opportunity to use his power of repeal, which is conferred upon him." (Note of instruction on the application of the law of 1885 by the Counsellor of State, Director of Criminal Affairs and Pardons.)

### Banishment.

Another law of the same year (1885, May 27th), on the banishment of incorrigible (recidivists) convicts to the colonies has been affirmed, according to the then existing ideas of the General Society of Prisons. The application of this measure has stirred up criticisms and provoked demands for reforms.

The volumes of our Penitentiary Review for 1887, 1888, 1889, 1890, contain articles, reports and communications on this subject, and especially the works of M. Leveille, professor to the Faculty of Justice, at Paris, and deputy of the sixth district of this city.

### Law for the Mitigation of Punishments for the Benefit of First Delinquents and Aggravation in the Case of Incorrigibles.

This law, appropriately entitled to the name of its author, and baptized by the French public by the name of "Loi Beranger" (Beranger's Law), was adopted by the Senate and Chamber of deputies in 1891. (See, in the "Penitentiary Review," 1891, pages



436 and 437, the comparisons between the original project and the final edition.) This law, essentially humane, which saves the first offender and restrains the recidivist, will henceforth be productive, let us hope, of good fruits. Its application is still too recent to permit statistics to authenticate appreciative results. Be this as it may, from the point of view of the information demanded from us, we believe that it is not too ambitious to think that M. Beranger, president, in 1882-1883, of the General Society of Prisons, and one of its founders, has more and more strengthened by his collaboration with this work of public usefulness, that generous love for penitentiary subjects, transmitted to him from the paternal side. (5)

The report on the project of the laws relative to the mitigation and aggravation of punishments inserted in the "Penitentiary Review" of 1890, page 396, makes known the means already taken in 1875 and 1880 to repress incorrigibility. These means have all been, before and after being put into practice, studied and discussed by the general secretary of the prisons.

### **Mendicancy and Vagabondage — Judiciary Bureau — Review of Patronage.**

Parallel with the questions which we have briefly pointed out, the General Society of Prisons has called for the study of the means of restraining mendicancy and vagabondage as well as the reform movement of the judiciary department.

The reorganization of depots for the treatment of medicancy, the creation of workhouses, the influence of solitary confinement in mendicants and vagabonds, the usefulness of district asylums in the country, and projects of law which will be usefully consulted by the chambers at the time of voting for the project of the reform of the Penal Code.

As to the judiciary department (of statistics) invented by one of the eminent founders of the General Society of Prisons, M. Counsellor Bonneville, of Marsangy, recently deceased, it has also been the object of researches instigated by the wish to know in what measure the publicity of the judiciary department could injure the reclassing in the society of liberated convicts.

If one adds to this summary, necessarily too limited by the work already accomplished by the General Society of Prisons, the information which it possesses in each of the 18 volumes, condensed in regard to the works on patronage, both in France and in foreign countries, one will have the answer to the question which has been put to us about the origin of this association, its development, and the action which it exercises.

Paris, January, 1895.

### Notes.

1. M. Rene Berenger, now vice-president of the Senate, and M. le d'Haussonville.
2. M. Felix Voisin, President of the Society of Prisons, 1894-1895, Counsellor to the Court of Cassation.
3. In the original bulletin of the Society of Prisons. This collection is published by M. M. Marchal et Billard, 27 Dauphin Place, Paris.
4. The acts of this congress have been published in a handsome volume of 450 pages, with a description of all the works on Patronage, described by that department, and a chart on Patronage. The acts of the congress of Lyons will uniformly appear with a new investigation and a second edition of the chart.
5. M. Berenger de la Drome, Peer of France, under the July government, had, during this epoch, inaugurated by his publications and discourses the era of penitentiary questions.





# INDEX.

## A.

	PAGE
Abbott, Rev. Lyman, letter from .....	38
Account, treasurer's .....	21, 22
Accounts due to the association .....	21
owing by the association .....	20
Addami, Hermann, letter from.....	78, 79
Addresses by:	
Corrigan, Archbishop .....	171-174
Daly, Hon. Chas. P.....	94-100
Forsyth, Rev. Robt. W.....	100-107
Milligan, Rev. John L.....	176, 177
Smith, Eugene .....	168-170
Tomeoka, Rev. K .....	175-176
Wayland, Hon. Francis.....	107-112
Agency, general, of Prison Association .....	69
Anniversary, fiftieth, of the Prison Association.....	75-107
Abbott, Rev. Lyman, letter from.....	88
Addami, Herman, letter from .....	78-79
addresses .....	94-112
collateral work of the association.....	118
Burnham Industrial Farm .....	123
State Reformatory .....	118-125
communications from societies and individuals.....	77-93
Corrigan, Archbishop, address by .....	171-174
Dana, Dr., remarks by .....	144-147
delegates present .....	75, 76
European and American Progress in Penal Reform.....	181-187
German Progress in Penology .....	188-199
Massachusetts System of Probation.....	136-144
Milligan, Rev. John L., address by .....	176, 177
Paper on Electrocutation .....	162-167
discussion of .....	167, 168
present by invitation .....	76
Prison Association and the Jail System.....	125-129
Prison Association and the Prison Labor Question.....	129-136
Prison Reform in the Nation.....	177-180



	PAGE.
Reformatory vs. Punitive Methods.....	148-158
Brockway, Z. R., letter from, on.....	156-158
discussion of paper .....	158-160
relief work of the Prison Association.....	112-117
discharged convicts .....	115
resolution as to removal of Sing Sing prison.....	160-162
Review of the General Society of Prisons of France....	201-207
banishment .....	205
conditional liberation .....	205
law for the mitigation of punishments for the benefit of first delinquents and aggravation in the case of incurrigibles .....	205, 206
mendicancy and vagabondage—judiciary bureau—re- view of patronage .....	206, 207
notes .....	207
patronage (guardianship) .....	204
solitary confinement .....	203
Smith, Eugene, recording secretary, remarks by.....	168-170
Tomeoka, Rev. K., address by .....	175, 176
Women's Prison of Indiana.....	199-201

## B.

Banishment .....	205
Berenger, R., letter from .....	84
Brinkerhoff, General R., paper by.....	177-180
Brockway, Z. R., letter from.....	156-158
Bureau, judiciary .....	206
Burnham Industrial Farm .....	123
Byers, Joseph P., presents a paper .....	177
By-laws of Prison Association.....	41-43

## C.

Cases, typical, cited .....	71, 72
Charter of the Prison Association .....	35-40
Child saving .....	87
Collateral work of the Prison Association.....	118-125
Burnham Industrial Farm .....	123-125
State Reformatory .....	118-122
Committees, local .....	13-20
Communications from societies and individuals .....	77-93
Concurrent resolution .....	49-51
Conditional liberation .....	205
Confinement, solitary .....	203
Convicts, discharged .....	69, 115
Corresponding members .....	6, 7

	PAGE.
Corrigan, Archbishop, address by .....	171-174
County jails, reports on .....	53-62
Albany county penitentiary .....	53
Broome county jail .....	58
Clinton county jail .....	58
Dutchess county jail .....	56
Erie county jail .....	55
Genesee county jail .....	56
Herkimer county jail .....	54
Lewis county jail .....	56
Monroe county jail .....	58
Montgomery county jail .....	54
Niagara county jail .....	58-62
Oneida county jail .....	54
Otsego county jail .....	57
Rensselaer county jail .....	55
Schenectady county jail .....	53
Schuyler county jail .....	55
Seneca county jail .....	58
Steuben county jail .....	57
Tioga county jail .....	58
Ulster county jail .....	56
Wyoming county jail .....	56
Criminal statistics .....	186, 187
Cure, prevention better than — "Child Saving" .....	187

## D.

Dana, Malcom McG., D. D., remarks by .....	144-147
Delegates present at fiftieth anniversary of Prison Association ..	75
Detentions .....	73, 74
Discharged convicts .....	69, 115
prisoners registered at office of Prison Association .....	70
Donations, cash .....	23-31
other .....	31-34

## E.

Electrocution, paper on .....	162-167
Elmira, State Reformatory at .....	44
European and American Progress in Penal Reform .....	181-187
Executive committee, report of .....	44-52

## F.

Female officers for women's prisons .....	183
France, General Society of Prisons of, review of the .....	201-207



## G.

	PAGE.
General agency of Prison Association, report of.....	69
German Progress in Penology.....	188-199
General Society of Prisons of France, Review of.....	201-207

## H.

Hill, Frederick, letter from .....	80
Hill, Joanna M., letter from .....	79, 80
Hill, Rosamund Davenport and Florence Davenport, letter from..	81
Honorary members .....	9, 10

## I.

Improvement, police .....	183
Indiana, the Women's Prison of .....	199-201
Irvine, Dr., remarks .....	167

## J.

Jubilee of the Prison Association.....	52
Judiciary bureau .....	206

## K.

Kazarin, Michael, letter from .....	77, 78
-------------------------------------	--------

## L.

Labor, prison and free.....	183, 184
Law for the mitigation of punishments for the benefit of first delinquents and aggravation, in the case of incorrigibles..	205, 206
Liberation, conditional .....	205
Library, the .....	45
Life members .....	11, 12
Life patrons .....	8
Local committees .....	13-20
Love, Alfred, remarks of .....	167

## M.

Massachusetts, system of probation.....	136-144
McCalista, J., letter from .....	85
McClaghry, R. W., letter from .....	89
Members, corresponding .....	6, 7
honorary .....	9, 10
life .....	11, 12
Mendicancy and vagabondage .....	206

	PAGE.
Milligan, Rev. John L., address by .....	176, 177
Mittermaier, Dr. Wolfgang, letter from .....	82
paper by .....	188-190

## N.

Notes .....	207
-------------	-----

## O.

Officers, female, for women's prisons.....	183
Officers for 1895.....	5

## P.

## Papers by:

Brinkerhoff, General R.....	177-180
Goelet, Dr. Augustin H.....	162-167
McKean, James .....	129-136
Merrill, Edward B.....	125-129
Mittermaier, Dr. Wolfgang .....	188-199
Prindle, Mrs. A. L.....	168
Scott, Col. Joseph F.....	148-155
Tallack, William .....	181-187
Todd, Hannah M .....	136-144
Walker, Claire A .....	199-201
Patronage (guardianship) .....	204
Patronage, review of .....	206
Patrons, life .....	8
Police improvement .....	183
Police stations, women at .....	183
Prevention better than cure—"Child Saving".....	187
Prime, Rev. Wendell, letter from.....	89
Prison and free labor .....	183-184
Prison Association and the Jail System.....	125-129
Prison Association and Prison Labor Question, the.....	129-136
Prison Association, by-laws of.....	41-43
charter of .....	35-40
fiftieth anniversary of .....	75-207
(See anniversary, fiftieth, of Prison Association.)	
jubilee of .....	52
Prisoners, discharged, registered at office of Prison Association....	70
Prison labor .....	45
Prison not a panacea—"Probation".....	185
Prison Reform in the Nation.....	177-180
Prisons, visitors to .....	183



	PAGE.
Progressive system of sentences .....	185, 186
Protest of Prison Association.....	46-48
Probation, Massachusetts System of.....	136-144

**R.**

Rainsford, Rev. W. S., letter from.....	88
Reeve, Hon. C. H., letter from .....	85-88
Reformation and deterrence .....	184, 185
Reformation vs. Punitive Methods.....	148-158
Relief work of the Prison Association.....	112-117
Religious basis, the .....	187
Report of executive committee:	
concurrent resolution .....	49
jubilee of the Prison Association .....	52
library, the .....	45
opposition of association to amendment to Constitution (Art. III, § 29).....	46-48
prison labor .....	45
table of number employed in prisons relative to number em- ployed outside .....	51
State Reformatory at Elmira.....	44
Report of general agency of the Prison Association.....	69
of visitors from Prison Reform Committee.....	63
on county jails .....	53-62
Resolution as to removal of Sing Sing prison.....	160
Review of patronage .....	206
Review of the General Society of Prisons of France.....	201-207
Riviere, A., letter from .....	83

**S.**

Sanborn, Hon. Frank B., letter from.....	90, 91
Sentences, a progressive system of .....	185, 186
Separation vs. Solitude.....	182
Session, M. J., letter from .....	81, 82
Sing Sing prison, resolution as to removal.....	160
Smith, Eugene address by.....	168-170
Solitary confinement .....	203
State Reformatory at Elmira .....	44, 45, 118
Statistics, criminal .....	186, 187
Storrs, Rev. R. S., letter from .....	89
Stuckenberg, Fr., letter from.....	83

**T.**

Table of number employed in prisons, etc.....	51
Tallack, William, paper by.....	181-187
<i>Temperance</i> — the religious basis .....	187

	PAGE.
Thayer, Walter N., letter from.....	91-93
Tomeoka, Rev. K., address by.....	175, 176
Treasurer's account .....	21, 22
Typical cases cited .....	71, 72

## V.

Vagabondage, mendicancy and .....	206, 207
Via media, efforts for a.....	181
Visitors to prisons .....	183

## W.

Walker, Claire A., paper by.....	199-201
Women at police stations .....	183
Women's prisons, female officers for .....	183
Women's Prison of Indiana .....	199-201



•

•





